



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 24, 2024 (AFTERNOON SITTING)

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Hon. Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum before the expiry of the ten minutes;

The Speaker invited the Clerk to call the Orders of the Day.

4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communication from the Chair: -

a) On the official opening of the Bunge Tower by His Excellency the President of the Republic of Kenya

“Honourable Senators,

As you may recall, on Wednesday, 17th April, 2024, I informed the Senate that His Excellency William Samoei Ruto, CGH, PhD, President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces, had acceded to the request of the Parliamentary Service Commission, to officially open the Bunge Tower. In the communication, I indicated that the official opening event was to be held on Friday, 19th April, 2024.

Honourable Senators will also recall that the event did not take place, owing to a declaration by His Excellency the President, of a three-day national mourning, following the most unfortunate and untimely demise of the Late General Francis Ogolla, Chief of Defence Forces,

and other gallant soldiers, in a helicopter crash while on official duty in Elgeyo/Marakwet County.

Honourable Senators,

Following consultation with the Office of the President, the Parliamentary Service Commission has made arrangements for the official opening event of the Bunge Tower, by His Excellency the President, to be undertaken tomorrow, Thursday, 25th April, 2024.

On behalf of the Parliamentary Service Commission, and on my own behalf, I take this opportunity to invite all Honourable Senators to the official opening of the *Bunge Tower*, at the forecourt of the Tower. The programme of events will commence at 8.00 am. Honourable Senators are requested to be seated by 7.30am.

I thank you.”

5. **PETITION**

Pursuant to Standing Order 238 (2), the Vice-Chairperson, Standing Committee on Energy tabled before the Senate, the Report of the Standing Committee on a Petition to the Senate by residents of Uyomo village in Kilifi County, concerning the protection of the right to life, health and a clean environment and other constitutionally protected rights and fundamental freedoms.

6. **PAPERS LAID**

The following Papers were laid on the Table of the Senate: -

- i.) First Half National Government Budget Implementation Review Report for Financial Year 2023/2024.
- ii.) First Half County Governments Budget Implementation Review Report for Financial Year 2023/2024.
- iii.) Report of the Auditor General on Financial Statements of Karuri Water and Sanitation Company Limited for the year ended 30th June, 2023.
- iv.) Report of the Auditor General on Financial Statements of Kakamega County Water and Sanitation Company Limited for the year ended 30th June, 2023.
- v.) Report of the Auditor General on Financial Statements of Kericho County Executive Staff Car Loan Fund for the year ended 30th June, 2023.

- vi.) Report of the Auditor General on Financial Statements of Nyamira County Education Support Fund for the year ended 30th June, 2023.
- vii.) Report of the Auditor General on Financial Statements of Municipality of Nyamira for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statements of Kajiado County Executive Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.

(The Senate Majority Whip)

- ix.) Report of the Kenya Delegation to the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP) held at the Gallagher Convention Centre, Midrand, South Africa, from 20th to 27th March, 2024.

(Sen. Danson Mungatana, MP)

7. **NOTICE OF MOTION - REPORT OF THE KENYA DELEGATION TO THE EXTRAORDINARY SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT (PAP) HELD AT THE GALLAGHER CONVENTION CENTRE, MIDRAND, SOUTH AFRICA, FROM 20TH TO 27TH MARCH, 2024**
(Sen. Danson Mungatana, MP)

THAT, the Senate notes the Report of the Kenya Delegation to the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP) held at the Gallagher Convention Centre, Midrand, South Africa, from 20th to 27th March, 2024, laid on the Table of the Senate on Wednesday, 24th April, 2024.

8. **QUESTIONS AND STATEMENTS**

a) **Statement pursuant to Standing Order 52 (1)**

The Senator for Nandi County (Sen. Samson Cherarkey, MP) made a statement on a matter of national importance regarding the shattering of the Women-only Marathon World record time by Ms. Peres Jepchirchir in a staggering and superb performance at the London Marathon on Sunday, 21st April, 2024.

Thereupon, the Senator informed the Senate that Ms. Peres Jepchirchir had once again brought glory to the country by breaking the World Women Marathon record by 45 seconds by finishing at 2:16:16.

The Senator also informed the Senate that Ms. Jepchirchir is a reigning Olympic Marathon and three-time World Half Marathon Champion, with

this being her third victory in the World Marathon and commended Kenyan athletes on their great performance in the London Marathon. The Senator, however, expressed his disappointment in the State Department for Sports for failing to ensure the walking race team participation at the World Athletics Championship due to poor planning.

The Senator, in conclusion, urged Ministry of Youth Affairs, Creative Economy and Sports, Athletics Kenya (AK) and the National Olympics Committee of Kenya (NOCK) to embrace openness and transparency during team selection for various teams representing Kenya in various competitions around the world and especially for the August Paris Olympics. The Senator, further called upon the Anti-Doping Agency to enhance its vigilance and eradicate rogue agents and coaches.

b) Request for Statements pursuant to Standing Order 53 (1)

- i.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on Health on behalf of Nominated Senator (Sen. Catherine Mumma, MP) regarding the safety profile, efficacy and adverse effects of the messenger ribonucleic acid (mRNA) COVID-19 vaccines.
- ii.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on Health on behalf of Nominated Senator (Sen. Catherine Mumma, MP) regarding the implementation of signed Collective Bargaining Agreements (CBAs) by the Government.
- iii.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing concerning financial accountability in the construction and approval for occupation of Bunge Tower.
- iv.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the status of projects under the Parliamentary Service Commission.
- v.) The Senator for Turkana County (Sen. James Lomenen, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing concerning the status of construction of the County Executive Office Block and Speaker's residence in Turkana County.
- vi.) The Senator for Turkana County (Sen. James Lomenen, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the safety of chiefs serving in counties plagued by insecurity.

- vii.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the legitimacy of the Kisumu County Draft Valuation Roll – 2017.
- viii.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the state of sugarcane farming in Kisumu County.
- ix.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Finance and Budget regarding measures in place to address and curb the wastage of public resources in Kisumu County.

c) Statements pursuant to Standing Order 56 (1) (b)

The Chairperson, Standing Committee on Trade, Industrialization and Tourism to made a Statement relating to the activities of the Committee for the period, January to March, 2024.

9. COMMITTEE OF THE WHOLE

Order for the Committee read;

IN THE COMMITTEE

(The Chairperson of Committees – in the Chair)

The County Boundaries Bill (Senate Bills No.6 of 2023)

Clause 3

Motion made and Question proposed;

THAT, Clause 3 be part of the Bill.

(Sen. Moses Kajwang' MP)

Clause 3

- Vote deferred;

Clause 4

- amendment proposed

THAT clause 4 of the Bill be amended—
(a) in sub-clause (1) by deleting the word “electronic” appearing immediately after the words “an up- to- date” and substituting therefor the words “digital and manual”;

(b) in sub-clause (2) by deleting the words “utilise the appropriate technology to ensure” appearing immediately after the words “Cabinet Secretary shall” and substituting therefor the words “ensure appropriate technology is utilized for”.

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

Clause 4 - Vote deferred;

Clause 5 - amendment proposed

THAT clause 5 of the Bill be amended in sub-clause (2)(a) by inserting the word “committee” immediately after the words “County Executive”

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

Clause 5 - Vote deferred;

Clause 6

Motion made and Question proposed;

THAT, Clause 6 be part of the Bill.

(Sen. Moses Kajwang’ MP)

Clause 6 - Vote deferred;

Clause 7 - amendment proposed

THAT clause 7 of the Bill be amended in sub-clause (1) by —

(a) deleting the words “experience in alternative dispute resolution” appearing at the end of paragraph (a) and substituting therefor the words “post-admission experience and an accredited mediator”;

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

(da) a commissioner of the National Cohesion and Integration Commission nominated from amongst its membership;

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

Clause 7

- Vote deferred;

Clauses 8 and 9

Motion made and Question proposed;

THAT, Clauses 8 and 9 be part of the Bill.

(Sen. Moses Kajwang' MP)

Clauses 8 and 9

- Vote deferred;

Clause 10

- amendment proposed;

THAT clause 10 of the Bill be amended in the proviso to sub-clause (1) by deleting the words "Physical planning or" appearing immediately after the words "experience in" and substituting therefor the words "mapping or".

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

Clause 10

- Vote deferred;

Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22

Motion made and Question proposed;

THAT, Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 be part of the Bill.

(Sen. Moses Kajwang' MP)

Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22

deferred;

-

Vote

Clause 23

- amendment proposed;

THAT clause 23 of the Bill be amended by deleting the word "nominate" appearing immediately after the words "receipt of the petition," and substituting therefor the word "appoint".

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

Clause 23

- Vote deferred;

Clause 24 - amendment proposed;

THAT clause 24 of the Bill be amended in sub-clause (1) by—

- (a) deleting the words “and physical planning” appearing immediately after the words “related to land” and substituting therefor the words “survey and mapping” in paragraph (d);
- (b) deleting the words “nominated by the Council of County Governors” appearing immediately after the words “the affected counties,” and substituting therefor the words “each of whom shall be nominated by the Council of Governors and the entity responsible for coordinating the County Assemblies” in paragraph (e).

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

Clause 24 - Vote deferred;

Clause 25 - amendment proposed;

THAT clause 25 of the Bill be amended in sub-clause (2)(c) by inserting the following new sub- paragraph immediately after sub-paragraph (ii)—
(iii) land survey and physical planning;

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

Clause 25 - Vote deferred;

Clauses 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40

Motion made and Question proposed;

THAT, Clauses 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 be part of the Bill.

(Sen. Moses Kajwang' MP)

Clauses 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 - Vote deferred;

Clause 41 - amendment proposed;

THAT clause 41 of the Bill be amended in sub-clause (4)(b)(ii) by deleting the word “commission’s” and substituting therefor the word

“ministry’s”.

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

Further Amendment proposed;

THAT clause 41 of the Bill be amended in subclause (1) by inserting the words “including matters touching on displacement of persons and compensation for loss suffered” immediately after the words “considers necessary” in paragraph (f).

(Sen. Moses Kajwang’, MP)

Clause 41 - Vote deferred;

Clause 42 - amendment proposed;

THAT clause 42 of the Bill be amended—

- (a) by re -numbering the existing sub- clause (6) as sub-clause (2);
- (b) in the re-numbered sub-clause (2) by deleting the words “the specific geographical” appearing immediately after the words “under subsection (1),” and substituting therefor the words “a comprehensive description of boundaries with adequately enlarged scaled map”.

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

Further Amendment proposed;

THAT clause 42 of the Bill be amended in subclause (1) by inserting the words “including referring a matter to a relevant body for redress” immediately after the words “may consider appropriate” in paragraph (b)(ii).

(Sen. Moses Kajwang’, MP)

Clause 42 - Vote deferred;

Clauses 43 and 44

Motion made and Question proposed;

THAT, Clauses 43 and 44 be part of the Bill.

(Sen. Moses Kajwang’ MP)

Clauses 43 and 44 - Vote deferred;

Clause 45

- amendment proposed;

THAT clause 45 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “may” appearing immediately after the word “Cabinet Secretary” and substituting therefor the words “shall within two years of coming into force of this Act”;
- (b) by re- numbering the existing sub- clause (1) as sub- clause (2); and
- (c) by inserting the words “and the Council of County Governors.” immediately after the words “Boundaries Commission” in the re- numbered sub- clause (2).

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

Clause 45

- Vote deferred;

Clauses 46, 47, 48, 49, 50, 51 and 52

Motion made and Question proposed;

THAT, Clauses 46, 47, 48, 49, 50, 51 and 52
be part of the Bill.

(Sen. Moses Kajwang’ MP)

Clauses 46, 47, 48, 49, 50, 51 and 52

- Vote deferred;

New Clause 13 A

- insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after clause 13.

13A. Where in cause of mediating a boundary dispute, a matter touching on_

- (a) displacement of persons;
 - (b) compensation for loss suffered; or
 - (c) any such related matter, arises,
- a mediation committee may make appropriate recommendations and refer the matter to the relevant body for redress.

(Sen. Moses Kajwang’, MP)

Motion made and Question proposed;

THAT, New Clause 13A be now read a Second Time;

(Sen. Moses Kajwang’ MP)

New Clause 13 A

- Vote deferred;

The First Schedule, Second Schedule, Third Schedule, Fourth Schedule, and Fifth Schedule

Motion made and Question proposed;

THAT, the First Schedule, Second Schedule, Third Schedule, Fourth Schedule, and Fifth Schedule be part of the Bill.

(Sen. Moses Kajwang' MP)

The First Schedule, Second Schedule, Third Schedule, Fourth Schedule, and Fifth Schedule

- Vote deferred;

Clause 2

- amendment proposed;

THAT clause 2 of the Bill be amended—

- (a) by deleting the words “and physical planning” appearing immediately after the words “related to land” and substituting therefor the words “surveying and mapping” in the definition of the word “Cabinet Secretary”;
- (b) by deleting the words “and physical planning” appearing immediately after the words “related to land” and substituting therefor the words “surveying and mapping” in the definition of the term “County executive committee member”;

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

Clause 2

- Vote deferred;

The Title and Clause 1

Motion made and Question proposed;

THAT, The Title and Clause 1 be part of the Bill.

(Sen. Moses Kajwang' MP)

The Title and Clause 1

- Vote deferred;

Progress Report

Motion made and Question proposed;

THAT, the Committee of the Whole do report to the Senate its consideration of the County Boundaries Bill (Senate Bills No. 6 of 2023) and seek leave to sit again tomorrow.

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

Before the Question was put and pursuant to Standing Order 84 (1), the Acting Chairperson (Sen. Veronica Maina, MP) ruled that the Question does not affect counties;

Question put and agreed to.

10. **THE HOUSE RESUMED** – (The Deputy Speaker– in the Chair)

11. **THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**

Progress reported;

Motion made and Question proposed: -

THAT, the Senate do agree with the Committee of the Whole in the said report.

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

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84(1), the Deputy Speaker ruled that the Question does not affect counties;

Question put and agreed to.

12. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Chairperson of Committees – in the Chair)

The Sugar Bill (National Assembly Bills No. 34 of 2022)

Clauses 3, 4 and 5

Motion made and Question proposed;

THAT, Clauses 3, 4 and 5 be part of the Bill

(Sen. Wafula David Wakoli – Co-sponsor)

Clauses 3, 4 and 5 - vote deferred

Clause 6 - amendment proposed

THAT Clause 6 of the Bill be amended in–

- (a) subclause (1) by inserting the following new paragraph immediately after paragraph (e) –
 - (ea) one person of the gender that is least represented in the composition of the Board who has knowledge and experience in matters relating to the sugar industry appointed by Cabinet Secretary; and
 - (eb) one person representing persons living with the disabilities or youth appointed by the council of county governors;
- (b) subclause (2) by deleting the expression “and (e)” and substituting therefor the expression “(e), (ea) and (eb)”.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 6 - vote deferred

Clauses 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16

Motion made and Question proposed;

THAT, Clauses 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 be part of the Bill.

(Sen. Wafula David Wakoli – Co-sponsor)

Clauses 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 - vote deferred

Clause 17 - amendment proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 17.

PART III –LICENSING AND REGISTRATION

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 17 - vote deferred

Clause 18

Motion made and Question proposed;

THAT, Clause 18 be part of the Bill.

(Sen. Wafula David Wakoli – Co-sponsor)

Clause 18 - vote deferred

Clause 19 - amendment proposed

THAT Clause 19 of the Bill be amended by –

(a) deleting subclause (1) and substituting therefor the following new subclause —

(1) A miller shall not purchase sugar crop from, or accept, sugar crop delivered by a grower and a grower shall not sell or deliver sugar crop to a miller, unless the —

(a) grower is registered with, and has in force a valid supply agreement with the miller;

(b) factory of the miller is situated within the grower’s catchment area;or

(c) grower is exempted from the requirement by the Board under section 19A.

(b) deleting the heading appearing immediately after the subclause (3).

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 19 - vote deferred

Clauses 20, 21, 22, 23, 24, 25, 26, 27 and 28

Motion made and Question proposed;

THAT, Clauses 20, 21, 22, 23, 24, 25, 26, 27 and 28 be part of the Bill.

(Sen. Wafula David Wakoli – Co-sponsor)

Clauses 20, 21, 22, 23, 24, 25, 26, 27 and 28 - vote deferred

Clause 29 - amendment proposed

THAT clause 29 of the Bill be amended —

- (a) in subclause (1) by —
 - (i) deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) one person with knowledge of and experience in the operation of sugar industry nominated by the Council of County Governors;
 - (ii) deleting the words “nominated by universities” appearing immediately after the words “one person” in paragraph (e) and substituting therefor the words “representing the universities nominated by the Commission on University Education”;
- (b) by inserting the following new subclause immediately after subclause (1) —
 - (1A) The Cabinet Secretary shall appoint the members under subsection (1), (a), (b)(c) (d) and (e) by notice in the *Gazette*.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 29

- vote deferred

Clauses 30, 31, 32, 33, 34, 35, 36 and 37

Motion made and Question proposed;

THAT, Clauses 30, 31, 32, 33, 34, 35, 36 and 37 be part of the Bill.

(Sen. Wafula David Wakoli – Co-sponsor)

Clauses 30, 31, 32, 33, 34, 35, 36 and 37

- vote deferred

Clause 38

- amendment proposed

THAT clause 38(6) be amended in—

- (a) paragraph (b) by inserting the words “allocated to the Kenya Sugar Research and Training Institute” immediately after the words “research and training”; and
- (b) paragraph (d) by deleting the words “and shall be managed by Kenya Rural Road Authority of the catchment area” appearing immediately after the words “development and maintenance” and substituting therefor the words “of county roads and shall be allocated to county governments as a conditional grant on a pro rata basis”.

Further Amendment proposed-

THAT Clause 38 of the Bill be amended by inserting the following new subclause immediately after subclause (1) –

(1A) The provisions of sub-section (1) shall not apply to imported industrial sugar.

(Sen. Olekina Ledama, MP on behalf of Sen. Edwin Sifuna, MP)

Further Amendment proposed-

THAT Clause 38 of the Bill be amended by inserting the following new subclause immediately after subclause (1) –

(1A) The provisions of sub-section (1) shall not apply to imported industrial sugar.

(Sen. Godfrey Osotsi, MP)

Further amendment dropped in the absence of the Mover

Clauses 38 - vote deferred

Clauses 39, 40, 41 and 42

Motion made and Question proposed;

THAT, Clauses 39, 40, 41 and 42 be part of the Bill

(Sen. Wafula David Wakoli – Co-sponsor)

Clauses 39, 40, 41 and 42 - vote deferred

Clause 43 - amendment proposed

THAT clause 43 be amended in subclause (2) by inserting the words “and the Senate” immediately after the words “the National Assembly”.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 43 - vote deferred

Clauses 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 58

Motion made and Question proposed;

THAT, Clauses 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 58 be part of the Bill

(Sen. Wafula David Wakoli – Co-sponsor)

Clauses 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 58

- vote deferred

Clause 59 - deletion of clause proposed

THAT the Bill be amended by deleting clause 59.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 59 - vote deferred

Clause 60 - amendment proposed

THAT clause 60 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (k) —

(ka) the procedure for election of farmers and millers' representatives to the Board and the pricing committee.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 60 - vote deferred

Clauses 61, 62, 63, 64 and 65

Motion made and Question proposed;

THAT, Clauses 61, 62, 63, 64 and 65 be part of the Bill

(Sen. Wafula David Wakoli – Co-sponsor)

Clauses 61, 62, 63, 64 and 65 - vote deferred

New Clause 19 A - insertion of new clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 19—

19A. (1) The Board may exempt a commercial cane grower from the restriction on supply of cane within a sugarcane zone, provided that—

Exemption from cane supply restriction.

- (a) the grower demonstrates that there is pre-existing agreement with the miller outside the sugarcane zone;
- (b) the grower is not indebted to any miller or outgrower institution within the sugarcane zone; and
- (c) no supply agreement exists between the grower and any miller within the sugarcane zone.

(2) A commercial cane grower who intends to supply cane outside their sugarcane zone shall submit to the Board, an application for exemption in the prescribed form.

(3) The Cabinet Secretary shall prescribe regulations for the consideration of an application for exemption under this section.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 19A be now read a Second Time.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 19 A

-vote deferred

New Clause 19 B

-insertion of new clause proposed

19B. A miller may enter into a contract of cane supply with another miller if —

Intermiller agreements.

- (a) the miller's factory is temporarily broken down; or
- (b) there is an oversupply of cane to the miller; and
- (c) the mill is located within the same sugarcane Zone.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 19B be now read a Second Time.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 19 B -vote deferred

The First Schedule -amendment proposed

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

FIRST SCHEDULE
(S. 2, 6 (1) (b) and 29 (b))
DELINEATION OF SUGAR CATCHMENT AREAS

SUGAR AREA	CATCHMENT	COUNTIES
Central Region Area		Kericho, Nandi South, Kisumu
Upper Western Area		Kakamega, Nandi North, Uasin Gishu, Bungoma and Trans - Nzoia
Lower Western Area		Busia, Siaya and Vihiga
Southern Area		Homa Bay, Migori, Narok and Kisii
Coastal Area		Kwale, Lamu and Tana River

(Sen. Cherarkey Samson Kiprotich, MP)

Amendment withdrawn by the Mover

The First, Second and Third Schedules

Motion Made and Question proposed;

THAT, the First, Second and Third Schedules be part of the Bill.

(Sen. Wafula David Wakoli – Co-sponsor)

The First, Second and Third Schedules - vote deferred

New Schedule - insertion of new schedule proposed

THAT the Bill be amended by inserting the following new schedule

immediately after the First Schedule-

**NEW SCHEDULE
S.2, 19(1)(b), 19A.
SUGARCANE ZONES.**

SUGARCANE ZONES	COUNTIES
Central	Kisumu, Southern Nandi, and Kericho Counties.
Upper Western	Bungoma, Kakamega - excluding Mumias area, Trans- Nzoia, Uasin-Gishu, and Northern Nandi Counties.
Lower Western	Mumias, Busia and Siaya Counties.
Southern	Migori, Homa Bay, Kisii, Narok Counties.
Coastal	Kwale, Tana River, and Lamu Counties.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Schedule be now read a Second Time.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Schedule - vote deferred

Clause 2 - amendment proposed

THAT clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of “sugarcane manufactures apex body”. “Sugarcane zone” means a geographical area as set out in the Second Schedule where growers and millers are restricted to deliver and receive cane respectively.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 2 - vote deferred

The Title and Clause 1

Motion Made and Question proposed;

THAT, the Title and Clause 1 be part of the Bill.

(Sen. Wafula David Wakoli – Co-sponsor)

The Title and Clause 1 -vote deferred

Progress Report

Motion made and Question proposed: -

THAT, the Committee of the Whole House do report to the Senate, its consideration of the Sugar Bill (National Assembly Bills No. 34 of 2022) and seek leave to sit again tomorrow;

(Sen. Wafula David Wakoli – Co-sponsor)

Before the Question was put and pursuant to Standing Order 84 (1), the Acting Chairperson (Sen. Veronicah Maina, MP) ruled that the Question does not affect counties;

Question put and agreed to.

13. **THE HOUSE RESUMED** – (The Deputy Speaker - in the Chair)

14. **THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022)**

Progress reported;

Motion made and Question proposed: -

THAT, the Senate do agree with the Committee of the Whole in the said report.

(Sen. Wafula David Wakoli – Co-sponsor)

There being no other Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Deputy Speaker ruled that the Motion does not affect counties.

Question put and agreed to.

15. **THE COMMITTEE OF THE WHOLE**
THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12
OF 2023)

Order read;

Order deferred;

16. **MOTION - STATUS OF PENDING BILLS IN COUNTIES**

Order read;

Motion made and Question proposed –

AWARE THAT, as at 31st December, 2023, according to the County Governments Budget Implementation Review report for the first half of the financial year 2023/2024, County Governments had accumulated a total of Ksh.156.34 billion shillings in pending bills with Nairobi City County accumulating the largest share of Ksh.107, 037,053,000 followed by Kiambu and Mombasa Counties at Kshs. 5,711,614,412 and Kshs. 3,922,131,877 respectively;

CONCERNED THAT, the accumulated pending bills in Counties have significantly affected service providers in the counties leading to closure of businesses, stalling of county projects, adversely affecting economic growth in counties, service delivery and ultimately slowing down the country's economic growth;

FURTHER CONCERNED that most of the service providers in the counties are battling court cases lodged against them by their financiers and suppliers while others are languishing in poverty exacerbated by the increased cost of living, with increased mental health disease incidences and others dying as a result of the effects of colossal amounts of debt owed to them by county governments;

NOW THEREFORE, the Senate-

1. recommends that all County Governments pay verified pending bills amounting to less than Ksh. 1 billion by the end of this financial year and those above Ksh.1 billion by the end of the financial year 2024/2025; and
2. Resolves that-
 - i. pursuant to the provisions of Regulation 41(2) & (3) of the Public Finance Management (County Governments) Regulations, 2015, County Governments prioritize payment of pending bills as a

- first charge on the County Revenue Fund failure to which the subsequent quotas budget releases will not be done;
- ii. County Governments shall only pay pending Bills contained in their respective procurement plans pursuant to Regulation 50 (2) & (3) of the Public Finance Management (County Governments) Regulations;
 - iii. Supplementary budgets for county governments are prepared in the 3rd Quarter to curb instances of arbitrary re-allocations out of the approved budget estimates; and
 - iv. County governments shall conduct public participation while formulating supplementary budgets, failure to which the Controller of Budget (CoB) shall not approve the supplementary budgets.

(Sen. Ledama Olekina, MP – 28.03.2024)

Debate interrupted on Wednesday, 24th April, 2024 (Morning Sitting) resumed;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Veronica Maina, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

17. **SENATE ROSE** – at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, April 25, 2024 at 2:30 p.m.*

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