

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

#### **THE HANSARD**

#### *Official Report*

#### **THIRD ASSEMBLY – FOURTH SESSION**

**Wednesday, 10<sup>th</sup> September, 2025**

**House met in the Main Chamber at 09:00 a.m.**

**(The Speaker (Hon. Elisha Jack Oraro) in the Chair)**

#### **PRAYERS**

**The Speaker** (Hon. Oraro): Honourable members, I want to refer you to the provisions of Orders 32 (2) of the Kisumu county Assembly Standing Orders and direct that the quorum bell to be rung for the first five minutes.

*(Quorum bell rung for the first minutes)*

**The Speaker** (Hon. Oraro): The Deputy Whip, kindly confirm if we have quorum.

**The Deputy Majority Whip** (Hon. Obonyo, MCA, South West Kisumu): Thank you Mr. Speaker. We have quorum.

**The Speaker** (Hon. Oraro): Clerk, take us through the order of the day.

**The Speaker** (Hon. Oraro): Next order!!

#### **PAPERS LAID**

ANNUAL FINANCIAL STATEMENT OF KISUMU COUNTY EXECUTIVE ENDING  
30TH JUNE, 2025

KISUMU COUNTY REVENUE FUND FOR THE YEAR ENDED 30TH JUNE 2025

AND

KISUMU COUNTY RECEIVER OF REVENUE FOR THE FINANCIAL YEAR 2024-2025

BY

HON. KENNEDY OOKO, MCA, AHERO

[LEADER OF MAJORITY]

*(Papers laid by Hon. Ochele on behalf of Hon. Ooko)*

PROPOSAL FOR THE ESTABLISHMENT OF BUNGE MASHINANI INITIATIVE FOR THE KISUMU COUNTY ASSEMBLY

AND

ESCALATING CASES OF CATTLE RUSTLING IN KISUMU COUNTY

BY

HON. MOSES OCHELE, MCA, EAST KANO/WAWIDHI

[CHAIRPERSON, ADMINISTRATION OF LAW, JUSTICE, CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY]

INDUCTION OF THE MUNICIPAL BOARD

BY

HON. RATIB BOITONE, MCA, NYALENDA "A"

[CHAIRPERSON, LANDS, PHYSICAL PLANNING HOUSING AND URBAN DEVELOPMENT]

**The Speaker** (Hon. Oraro): Yes, Honourable Moses Ochele.

**Hon. Ochele** (MCA, East Kano/Wawidhi): Thank you Mr. Speaker. Mr. Speaker, I stand on behalf of our Leader of the Majority, Honourable Kennedy Ooko, and on his behalf, I have the following papers to lay.

- a) Pursuant to the Provisions, Section 164 (1) of the Public Finance and Management Act, 2012, to table today, Wednesday, 10th, September 2025, Annual Financial Statement of Kisumu County Executive for the financial statement for the year ended 30th June 2025.
- b) Kisumu County Revenue Fund for the year ended 30th June 2025,

- c) Kisumu County Receiver of Revenue for the financial year 2024-2025. Thank you, Mr. Speaker. And I lay.

*(Hon. Ochele lays the papers before the House for consideration)*

**The Speaker** (Hon. Oraro): Honourable members, the following papers are properly laid before the House by Honourable Moses Ochele on behalf of the Leader of the Majority.

- a) The Kisumu County Revenue Fund Financial Statement for the year ended 30th June 2025,
- b) The Kisumu County Executive Financial Statement for the year ended 30th June 2025.
- c) The Receiver of Revenue report for the year 2024-2025.

Honourable members, these papers are properly laid before the House and I want to commit them to the Departmental Committee on Finance and ICT to look at them as per our Standing Orders.

Honourable members, I am not able to see the Chairperson, Departmental Committee on Finance and ICT, not even the Deputy is present in the House. Is there any Member of the Departmental Committee on Finance and ICT in the House?

**The Speaker** (Hon. Oraro): Yes, Honourable Adeg, you need to inform your Chairperson about the papers. The Clerk will equally do the same. So, prepare a program to look at them according to our Standing Orders.

**The Speaker** (Hon. Oraro): Yes, Honourable Moses Ochele.

**Hon. Ochele** (MCA, East Kano/Wawidhi): Thank you Mr. Speaker On behalf of the Departmental Committee on Administration of Law, Constitutional Affairs and Good Governance and Security and myself, I wish to lay the following.

Pursuant to the provisions of Orders No. 182 (6) of the Starting Orders, I wish to table today, Wednesday 10th September 2025, reports of Administration of Law, Justice, Constitutional Affairs, Good Governance and Security Committee on,

- a) Proposal for the Establishment of Bunge Mashinani Initiative for the Kisumu County Assembly;
- b) The Inquiry into the Escalating Cases of Cattle Rustling in Kisumu County.

Thank you, Mr. Speaker, and I lay.

*(Hon. Ochele lays the papers before the House for consideration)*

**The Speaker** (Hon. Oraro): Honourable members, the Departmental Committee on Administration of Law, Constitutional Affairs Justice, Good Governance and Security has properly laid before the House two reports as follows

- a) The report on the Proposal for the Establishment of the “*Bunge Mashinani*” Initiative for the Kisumu County Assembly
- b) The report on the Inquiry into the Escalating Cases of Cattle Wrestling in Kisumu County.

Honourable members, I direct that the Select Committee on House Business considers scheduling these reports for purposes of debate. In the meantime, these reports will be submitted in good time to the Members, so please have a look at them in preparation for their debate.

**The Speaker** (Hon. Oraro): Next. Honourable Ratib Boitone.

**Hon. Boitone** (MCA, Nyalenda “A”): Thank you, Mr. Speaker. On behalf of the Departmental Committee on Land, Physical Planning, Housing, Housing and Urban Development, and pursuant to the Provision of Orders No. 182 (6) of the Standing Orders. I wish to table today, Wednesday 10th, September 2025, the report on the Induction of the Municipal Board. Thank you, Mr. Speaker.

*(Hon. Ratib lays the report before the House for consideration)*

**The Speaker** (Hon. Oraro): Honourable members, the Departmental Committee of Land, Physical Planning, Housing and Urban Development has properly laid before the House the report on the induction of the House Committee and the Municipality and the Municipal Boards 2025.

Honourable members, I repeat, the report on the induction of the House Committees members and the Municipal Boards 2025 that is laid by the Chairperson, Departmental Committee, Honourable Ratib Boitone. I therefore direct, that the Select Committee on House Business consider scheduling this report for debate and adoption. At the same time, this report will be submitted to the Members early enough in preparation for the same.

**The Speaker** (Hon. Oraro): Next Order!!

## NOTICES OF MOTION

PROPOSAL FOR THE ESTABLISHMENT OF BUNGE MASHINANI INITIATIVE FOR  
THE KISUMU COUNTY ASSEMBLY

AND

ESCALATING CASES OF CATTLE RUSTLING IN KISUMU COUNTY

BY

HON. MOSES OCHELE, MCA, EAST KANO/WAWIDHI

[CHAIRPERSON, ADMINISTRATION OF LAW, JUSTICE, CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY]

**The Speaker** (Hon. Oraro): Honourable Moses Ochele.

**Hon. Ochele** (MCA, East Kano/Wawidhi): Thank you Mr. Speaker. Pursuant to the provision of Orders No. 45 (1) of the Kisumu County Assembly Standing Orders I request that, this House adopts the report of the departmental Committee on Lands, Physical Planning, Housing and Urban Development on the Induction of Municipal Board that was done.

Again, pursuant to the Provision of Orders No. 45 (1) of the Kisumu County Assembly Standing Orders I request that this House adopts the report of the departmental Committee on Administration of Law, Justice, Constitutional Affairs, Good Governance and Security Committee on;

- a) Proposal for the Establishment of Bunge Mashinani Initiative for the Kisumu County Assembly,
- b) Inquiry into the Escalating Cases of Cattle Wrestling in Kisumu County.

Thank you, Mr. Speaker

**The Speaker** (Hon. Oraro): Next order!!

## MOTION

THE SECOND READING OF THE KISUMU COUNTY QUARRYING CONTROL BILL  
2024 [KISUMU COUNTY BILL NO. 5 OF 2024]

BY

HONOURABLE NEREAH OKOMBO, MCA, MANYATTA “B”

**The Speaker** (Hon. Oraro): Yes, Honourable Nereah Okombo, the Deputy Speaker.

**Hon. Okombo** (MCA, Manyatta “A”): Thank you Mr. Speaker. Please allow me move that the Kisumu County Quarrying Bill 2024 be read for the second time.

**The Speaker** (Hon. Oraro): Clerk.

*The Kisumu County Quarrying Bill 2024,*

*A Bill for An Act of the County Assembly of Kisumu to regulate quarrying activities to ensure the safe and sustainable exploitation and use of land, quarry resources and materials and the environment to establish a system of benefit sharing and the exploitation of quarry resources between the resource exploiter, the county government and the local community, and for connected purposes,*

Honourable members, the Bill is now read for the second time.

**Hon. Okombo** (MCA, Manyatta “A”): Thank you Mr. Speaker. Mr. Speaker, I want to move that the House now do revert to the Committee of the Whole House.

**The Speaker** (Hon. Oraro): Honourable members, as you are aware, this Bill has been read for the first time. I believe the report was exhaustively discussed and when such a motion that the House reverts to the Whole House, there is no question that is put.

**The Speaker** (Hon. Oraro): Honourable Emilly Oginga, you shall proceed as per the Standing Orders.

*(The House reverts to the Committee of the Whole House)*

*(Hon. Oginga chairs the Committee of the Whole House)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, I would like to call the meeting to order. Now this is the Committee of the Whole House on the Second Reading on the amendment of the Kisumu County Quarrying Bill 2024. I would like to propose on which way to go on the amendment. Either we go the guillotine way or we go the clause-by-clause way. So, I would like the Acting Chairperson, Departmental Committee on Water, Environment and Natural resources and Climate Change to give a proposal on which way to go.

**Hon. Obaso** (Nominated Member): Thank you Madam Chairperson. I propose we go the guillotine way and I ask Honourable Warindu to second.

*(Hon. Warindu bowed while seconding)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, we have a proposal on the amendment that we are going to go the guillotine way, which has been proposed and seconded and therefore I put a question.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): I will just go through, that is a sequence to be observed on a Bill in a Committee of the Whole House, that in considering a bill in committee, the various parts thereof shall be considered in the following sequence.

- a) *Clauses as printed, excluding the clauses providing for the citation of the bill, the commencement of any and the interpretation;*
- b) *New clauses;*
- c) *Schedules;*
- d) *New schedules;*
- e) *Interpretation;*
- f) *Preamble, if any;*
- g) *Long title;*
- h) *And the clauses providing for the citation of the bill and the commencement;*

Therefore, Honourable members, the procedure as stipulated in Standing Order No. 128, the procedure in Committee of the Whole County Assembly on a Bill state that and I quote that;

- 1) *The clerk shall call severally each part of the bill in the sequence specified in Standing Order No. 126, that is the sequence to be observed on a bill in a committee, and if no amendment is proposed, or when all proposed amendments have been disposed of, the chairperson shall propose the question that as amended stand part of the bill, and when members who wish to speak have spoken, the chairperson shall put the question to the committee for decision.*
- 2) *No amendment shall be moved to any part of a bill by any member other than the member in charge of the bill, unless written notification of the amendment shall have been given to the clerk twenty-four hours before the commencement of the sitting at which the part of the bill is considered in a committee. Honourable Members, therefore, we'll go straight to the amendments of the bill where I'll ask the chair to propose if there's any amendment on the long title, on the short title of the bill.*

We will start with the short title.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes Honourable Obaso.

**Hon. Obaso** (Nominated Member): Madam Chairperson, there are no proposed amendment.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Does any member have any amendment on the short title?

*(Silence)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Therefore, silence means no amendment. So, the long title remains as it is. So, I will put a question that has been of the opinion that the short title remains as it is.

*(Question put and agreed to)*

As been of the contrary opinion, say nay. And therefore, the short title remains as the Kisumu County Quarrying Bill 2024.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Chairperson, any amendment on the Long Title?

**Hon. Obaso** (Nominated Member): Madam Chairperson, there are no proposed amendment.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): No proposed amendment on the long title. Honourable Members, the Chairperson suggests that there are no amendments on the Long Title. So, I will put a question for the adoption of the Long Title.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Therefore, the long title remains as it is in the Bill.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Chairperson, in Part 1, so we'll move to Part 1. In Part 1, is there any amendment?

**Hon. Obaso** (Nominated): Thank you Madam Chairperson. In Clause 1, it be amended by deleting the word Kisumu County Quarrying Act 2024 and substituting it, therefore, but, and substituting therefore with Kisumu County Quarrying Control Act 2025.

Madam Chairperson, in Clause 2 be amended by A, redefining rehabilitation to read rehabilitation means restoration of land affected by quarrying to a safe, environmentally, sustainable, and economically usable condition to, in accordance with the Environment Management and Coordination Act 1999 by inserting the following new definition, Persons with disability, as the main name assigned under Article 260 of the Constitution of Kenya 2010, and the Person with Disability Act 2003.

- c) Standardizing all references to read: County Executive Committee Member in place of Executive Committee Member or CEC Member.

Madam Chairperson, Clause 3 be amended by inserting a new paragraph (f): ensure compliance with the Public Finance Management Act, 2012, the Environmental Management and Co-ordination Act, 1999, the Mining Act 2016, and any other applicable national legislation in the regulation of quarrying activities.

Madam Chairperson, Clause 4 be amended by inserting a new paragraph (g): adherence to the national values and principles of governance under article 10 of the Constitution of Kenya.

I propose Honourable Nereah to second.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes, Honourable Nereah Okombo.

**Hon Okombo** (MCA, Manyatta “B”): Thank you Madam Chair. I second that the amendments be carried as proposed.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, now that the amendments on Part 1 of the Quarrying Bill have been proposed and seconded, I would like to open the Floor for debate.

*(Silence)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, silence means there is no input or further amendment. I therefore put a question on the amendments on part 1 of the Quarrying Bill.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, the amendments on Part 1 of the Kisumu County Quarrying Bill 2024 have been adopted as proposed by the chair and they are now part of the Bill.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, now we proceed to Part 2. Yes, Honourable Chairperson?

**Hon Obaso** (Nominated Member). Thank you Madam Chairperson. That, Clause 5 be amended as follows;

- a) In paragraph (d) by deleting the word Chief Officer in the department responsible for Infrastructure and substituting and substituting therefore with the word Chief Officer in the department responsible for Lands, Physical Planning, Housing and Urban Development.
- b) In paragraph (f) (i), after the words, five persons, inserting the words: including at least one person representing Persons with Disability.

Madam Chairperson, there is a proposed amendment to Clause 6. That, Clause 6 be amended by inserting a new sub-clause (4): The Executive Committee Member shall ensure that the appointments of members under section 5 (f) are staggered to avoid simultaneous expiry of terms

Madam Chairperson, Clause 7 be amended by-

- a) Deleting sub-clause (2) (d) and substituting therefore the following- (d) is incapacitated by prolonged physical and mental illness.
- b) Inserting a new sub-clause immediately after (d)- (e) is otherwise unable or unfit to discharge the functions of the office.
- c) Inserting a new sub-clause (f)- that reads; (f) is convicted of a criminal offence punishable by imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings.

Madam Chairperson, Clause 8 be amended by inserting a new paragraph (q): that reads; (q) ensure that quarrying activities comply with national laws including the Mining Act, 2016, the Environmental Management and Co-ordination Act, 1999, and the Public Finance Management Act, 2012.

Madam Chairperson, Clause 9 be amended by deleting the words: Director for the time being responsible for Infrastructure and substituting therefore with: Director for the time being responsible for Lands, Physical Planning, Housing and Urban Development.

Madam Chairperson, Clause 10 be amended by inserting a new paragraph (k); (k)ensure compliance with the County Governments Act, 2012 and all applicable public finance, planning and environmental laws in the execution of its functions.

Madam Chairperson, Clause 11be amended by inserting a new sub-clause (3): to read; (3) Any member who contravenes this section shall cease to hold office and may be further subjected to proceedings under the Public Officer Ethics Act, 2003.

Madam Chairperson, finally, Clause12 be deleted and substituted therefore with the following new clauses new clause-12. A member of the Committee or Secretariat shall cease to hold office if-

- a) they resign in writing
- b) they are transferred, reassigned, retired or dismissed
- c) they are convicted of an offense under section 7 (2) (f)
- d) they are found on breach of conflict of interest provisions; or
- e) their time expires and is not renewed.

May I call upon Honourable Nereah Okombo to second.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes, Honourable Nereah Okombo.

**Hon. Okombo** (MCA, Manyatta “B”): Thank you Madam Chair. I second that the amendments be carried as read.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, now that the amendments on Part Two of the Kisumu County Quarrying Bill, 2024 have been proposed and seconded, I therefore propose a question that these amendments are now open for debate.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes, Honourable Nereah Okombo.

**Hon Okombo** (MCA, Manyatta “B”): Thank you Madam Chairperson. There is a new insertion under clause 7 that proposes an imprisonment term of six months and a fine not exceeding 10,000 if convicted for an offense under the Act.

Madam Chairperson, looking at the term of imprisonment and the and the fine they do not actually correlate. I therefore want to propose that the inserted clause be amended to read: that if convicted under this Act then one serves an imprisonment term of six months and a fine not exceeding a hundred thousand. I ask Hon Okoyo to second.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes, Honourable Okoyo.

**Hon. Okoyo** (MCA, Central Kisumu): Thank you Madam Chairperson. I second.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, there is a proposal on the amendment on Clause 7-Part (c) as stated which has been proposed and seconded. I therefore propose a question that this amendment is now open for debate.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes, Honourable Seth Okumu.

**Hon. Okumu** (MCA, East Seme): Thank you Madam Chairperson. I rise to support the amendment but make additional proposals for the same. I have seen in practice that when you are putting such statements or fines and imprisonment, there is an option of a fine and an imprisonment or both fine and imprisonment. Therefore, leaving out that part of having both the fine and imprisonment will make that section incomplete for the judges to use.

Madam Chairperson, secondly is on the use of the word, at least. It is my considered opinion that, if say not less than a hundred thousand then I am fine with it. Thank you.

I did not hear it because I remember you said: not less than a hundred thousand. Therefore, a hundred thousand to infinity and I would like the guidance of the Committee Clerk because there are fines that we put on misdemeanors and criminal offenses. I know misdemeanors usually have the maximum fine from zero to the maximum. I do not know the kind of offenses that we are going to have in this Act. Are they misdemeanors or are they criminal? If they are criminal, then we will have the least amount. If they're misdemeanors, then in the in the section we have the maximum amount. It is my belief that, this also needs guidance so that we do not make laws that will not be applicable before court. Thank you.

*(The Clerk-at-the-Table gives guidance on record)*

**Hon. Okumu** (MCA, East Seme): Madam Chairperson, please allow me to continue submitting with that guidance. Madam Chairperson, if they are misdemeanors then the Honourable Chairperson humbly requests that you withdraw the word: *at least* and replace with *not exceeding the maximum amount*. For misdemeanors, we surely have the maximum amount so it is the prerogative of the judge to decide whether to give you a zero fine, a maximum fine, or anything in between so it should not be the way you it was proposed. Thank you.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Seth Okumu, I would like to request you to propose an amendment on the proposed amendment. Honourable Okumu, we have the document on soft copy.

**Hon. Okumu** (MCA, East Seme): Madam Chairperson, I seek you indulgence to donate my time to the Honorable Moses Ochele of East Kano Wawidhi. Thank you.

**Hon. Ochele** (MCA, East Kano/Wawidhi): Thank you Chairperson. I was just trying to add to your suggestion that Honourable Seth Okumu proposes a figure and he has decided to donate to me. I want to propose that the figure should not exceed Kshs. 300,000. That is practicable. Not exceeding should be the word. Then, it is at the prerogative of the judge to decide whether to give that maximum or release at zero based on the circumstance. However, if you put it as not less than then it is like we are saying that anything we say anything is a linear offense. We are fixing not giving room for breathing. I call upon Honourable Seth Okumu to second.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Ochele, the amendment that was proposed by Honourable Nereah Okombo was that, if is convicted of a criminal offense punishable by imprisonment for a term exceeding six months or to a fine not exceeding ten hundred thousand. Are you proposing an amendment to amend this to this Kshs 100,000 to Kshs 300,000?

**Hon Ochele** (MCA, East Kano/Wawidhi): Madam Chairperson, I am referring to that section involving the fine otherwise imprisonment terms for both applies. I am just on including the Kshs 300 not exceeding Kshs 300,000. So, the rest will continue there as proposed by Honorable Nereah.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Seth Okumu, you have been called upon to second.

**Hon. Okumu** (MCA, East Seme): Thank you so much Madam Chairperson. As I earlier mentioned, when you are using the legal language such as misdemeanors and criminal offenses. When you are imposing fines and imprisonment for misdemeanors you usually give the maximum and that is why I want to agree that we amend it to read not exceeding Kshs. 300,000 for the fine and not exceeding six months for the imprisonment, or both. This will really cure the current practice of law. My proposal therefore is the amendment to read; 'Not more than six months and not exceeding a fine of Kshs 300,000. Thank you so much, Madam Chairperson.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, and the amendment on the amendment on Clause 7, Part C, as proposed by Honourable Moses Ochele, and seconded by Honourable Seth Okumu, states that, that is convicted of a criminal offence punishable by imprisonment for a term not exceeding six months or to a fine not exceeding Kshs 300,000 or both, has been proposed. I therefore I propose a question, and I propose that this amendment is now open for debate.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes, Honourable Moses Ochele.

**Hon. Ochele** (MCA, East Kano/Wawidhi): Thank you madam Chairperson. I just wanted to replace a word. Where we say for a jail term period of not exceeding six months. How about if we say not more than six months, then the cash is not exceeding Kshs 300,000. The Chairperson read something else. Not more than six months, then when it comes to the cash fine, it is 'not exceeding Kshs 300,000.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Moses Ochele, it doesn't the term 'not exceeding' and 'not more than' still mean the same thing. Or do you just want to make the document more beautiful? We continue with the debate. Honourable members, this amendment is still open for further debate.

(Silence)

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Silence means consent. So, I will call the mover to reply before I put a question. Honourable Moses Ochele, can you reply so that we get the right amendment.

**Hon. Ochele** (MCA, East Kano/Wawidhi): Thank you very much, Madam Chairperson. The spirit of this Bill is actually not to imprison the citizens of Kisumu, but rather to encourage them to follow the law and help the county raise revenue. That is why if we put a minimum, that means they must be fined. If they fail, then they go to jail. In addition, that is why we give them the leeway or we give the judge leeway, should the matter reach our courts, then the judge can determine whichever fine is applicable and which can be paid easily by the offender. Therefore, I propose that I reply that this section reads... Madam Chairperson, I want to believe that I reply by affirming that this section be amended as read by the Chairperson.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, and therefore the amendment on Clause 7(c)(f), has been amended as; "...is convicted of a criminal offence punishable by imprisonment for a term not more than 6 months or to a fine not exceeding Kshs 300,000 or both". It has been proposed, seconded, and debated, and therefore I put a question.

*(Question of amendment put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Therefore, the amendment on Clause 7(c)(f) of the Kisumu County Quarrying Control Bill, 2024, has been amended as; "...is convicted of a criminal offence punishable by imprisonment for a term not more than 6 months or to a fine not exceeding Kshs 300,000 or both." forms part of the Bill.

Honourable members, we were still debating on the amendment. I would like to call upon Honourable Nereah, who proposed the initial amendment to confirm if the amendment made on the amendment still forms part of the Bill.

**Hon. Okombo** (MCA, Manyatta "B"): Thank you Madam Chairperson. The amendment is indeed in line with the spirit of the Bill.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, therefore as amended, the amendment on Clause 7(c)(f) as amended forms part of the Bill.

Honourable members, we were still debating on the amendment on Clause 7 proposed by the Chairperson. On Part 2, sorry, not Clause 7(c)(f) we were still on Part 2. We were still on Part

2 of the amendment. The entire Part 2 that was proposed by the Chairperson. There were quite a number of amendments proposed by the Chairperson.

*(Silence)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, if there is no any further amendment on Part 2, then I would like to call upon the Chairperson to reply.

**Hon Obaso** (Nominated Member): Thank you Madam Chairperson. For the amendment that has been made in Clause 7, I believe that, it is in order, and I so reply. Thank you.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, and now that the amendment on Part 2 of the Kisumu County Quarrying Control Bill, 2024 has been proposed by the Chairperson, seconded and debated, and therefore I put a question.

*(Question of amendment put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Therefore, the amendment on Part 2 of the Kisumu County Quarrying Control Bill 2024 has been adopted and the amendments form part of the Bill.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Chairperson, we move on to Part 3 of the Bill. If there is any amendment.

**Hon Obaso** (Nominated): Thank you Madam Chairperson. In Clause 13, be amended by inserting a new sub-clause (4) to read; “(4) All fees and levies imposed under this Act shall comply with the provisions of the Public Finance Management Act, 2012, particularly Section 159 to 161.”

Secondly, and amendment to Clause 14 to be made by inserting a new sub-clause (4) to read; “(4) The Revenue Board shall publish annual reports on fees and levies collected under this Act, which shall be tabled before the County Assembly.”

Madam Chairperson, Clause 15 be amended by inserting a new sub-clause (3) to read; “(3) The Executive Committee member shall determine all applications within sixty days of receipt.”

Madam Chairperson, Clause 16 be deleted and its provisions merged into Clause 15 and renumbered accordingly.

Madam Chairperson, Clause 17 be amended by inserting a new sub-clause (6) to read; “(6)An application of a license shall not be approved unless accompanied by an Environmental Impact Assessment License issued under the Environmental Management and Coordination Act 1999.”

Madam Chairperson, Clause 18(1)(i) be amended by deleting the word ‘any other factors’ and substituting therefore with- ‘any other factors which, in the opinion of the Executive Committee member, are inconsistent with the public safety, public health or environmental sustainability.

Madam Chairperson, Clause 19 be amended by inserting a new sub-clause (5) to read; “(5)A person aggrieved by a decision of the Executive Committee Member under this section may appeal to the County Physical and Land Use Planning Liaison Committee within thirty days.”

Madam Chairperson, Clause 20 be amended as follows;

- a) Relocate to a new Part IV - Environmental Protection and Rehabilitation and redrafted as follows;

Clause 20, to read;

- a. “(20) Every licensee shall deposit with the County Government a security in a form prescribed by regulation sufficient to cover full rehabilitation costs as determined by an Environmental Impact Assessment under the Environmental Management and Coordination Act, 1999.”
- b. The rehabilitation security shall be reviewed every three years.

Madam Chairperson, lastly, Clause 21 be amended by inserting the following provision to read; “Provided that in the case of corporate restructuring or succession, the transferee may apply for a fresh license under this Act, within six months of change in control. I propose Honorable Nereah Okombo to second.

**Hon. Okombo** (MCA, Manyatta “B”): Thank you Madam Chairperson. I second that amendments as proposed in Part 3 be adopted for consideration for debate.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honorable members, and now that the amendments on Part 3 have been proposed by the Chairperson and seconded, I therefore propose a question and I propose that these amendments are now open for debate.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes, Honourable Ratib Boitone.

**Hon Boitone** (MCA, Nyalenda “A”): Thank you Madam Chairperson. There is a part that I do not understand well, which I need some guidance on because it states that; in Clause 19: Clause 19, where the aggrieved party is given the leeway or the liberty to appeal, and the appeal is being directed to a committee of land physical planning, on the land use, something of the sort. I thought that the conviction would be done in a court of law where the judge has the discretion of giving leeway for the appeal. I seek your clarification and guidance, Honourable Chairperson.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): The Clerk will give guidance on that.

**Hon. Boitone** (MCA, Nyalenda “A”): Thank you Madam Chairperson. I get the gist of the matter. But now, Madam Chairperson, I am also looking at an alternative avenue. Maybe you have been given time for appeal or maybe the cancellation of the permit is done by the county government. We have seen several times when members of that nature will rush to court to compel the county government to do this and that in regards to what is now on the table. Do we have ways whereby the Bill is formulated in a manner that it bars somebody to go to court to seek further redress whereby it is forcing the county government to give a permit? Thank you.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): We are still on the debate on the amendments. Silence means...

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes, Honourable Moses Ochele?

**Hon. Ochele** (MCA, East Kano/Wawidhi): Thank you Madam Chairperson. I have no objection to the proposed amendments by the Chairperson and I want to believe that by proposing such amendments, we are kind of strengthening the institutions within the Bill to enable the county have internal mechanisms of resolving some petty issues like the ones raised by Hon. Ratib Boitone. I therefore believe, as the Clerk advised, such amendments will be carrying any intention to go to court before exhaustion of this section. Therefore, I second the amendment as proposed by the Chairperson. Thank you.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Thank you, Honourable member, I do not see anyone else ready for debate. Therefore, may I call upon the Chairperson to reply? Thank you, Honourable Obaso.

**Hon. Obaso** (Nominated Member): Madam Chairperson, I believe that, the questions being asked by Honourable members have been fully responded to and therefore I believe that everything is now in order, so I reply.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Thank you, Honourable members. Now that the amendments on Part (III) of the Kisumu County Quarrying Control Bill 2024 has been proposed, seconded and debated on. Therefore, I want to put a question.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Therefore, the amendments on Part (III) of the Kisumu County Quarrying Control Bill 2024, as proposed by the Chairperson have been adopted and therefore will form part of the Bill.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Therefore Honourable Chairperson, we move on to the next part.

**Hon. Obaso** (Nominated Member): Thank you Madam Chairperson. We have a proposed amendment to Clause 22 that it be amended by inserting a new sub-clause 3 to read, Every benefit.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Chairperson, maybe I will just give a bit of guidance. There is a new part that was introduced, because in the Bill, remember, we did not have Part IV. So, maybe I will suggest that you go straight to Part IV which was introduced with the Clauses, it is in the Order Paper, the same paper that you are having, before we move on to Part V.

**Hon. Obaso** (Nominated Member): Thank you Madam Chairperson. We have new clauses in Part IV and it reads ‘Environmental Protection and Rehabilitation’

Madam Chairperson, that Clause 21, a new Clause 21 be added to read: “*No license shall be issued under this Act unless the applicant has obtained an Environmental Impact Assessment license from the National Environmental Management Authority in accordance with the Environmental Management and Coordination Act 1999*”.

Madam Chairperson, Clause 22, a new Clause be inserted as follows: “*Every license shall undertake an environmental audit every two years, submitted to the County Government and NEMA, and shall ensure implementation of recommendations therein*”.

Madam Chairperson, Clause 23, a new Clause be inserted to read: “*The county Executive Committee Member shall establish a quarry rehabilitation fund into which a percentage of levy collected under this article shall be deposited and used exclusively for restoration of abandoned quarry sites*”.

Madam Chairperson, Clause 28, a new Clause be inserted to read: “*The County Government shall collaborate with national agencies responsible for environment, mining and occupational safety in enforcement of this Act*”.

Madam Chairperson, Clause 29, a new Clause be inserted to read: “*Any person who obstructs or hinders an authorized officer in the performance of their duty under this article commits an offense and is liable, on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months, or both*”.

Madam Chairperson, Clause 31, a new Clause be inserted to read: “*A person who contravenes any provision of this Act for which no specific penalty is provided commits an offense and is liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months or both*”.

Madam Chairperson, Clause 32. A new Clause be inserted to read: “*Where an offense under this Act is committed by a body corporate, every director or officer responsible for management of this body corporate shall be deemed to have committed the offense unless they prove that the offense was committed without their consent or convenience and that they exercise due diligence*”.

With those amendments, I propose Honourable Nereah Okombo to second.

**Hon. Okombo** (MCA, Manyatta “B”): Thank you Madam Chairperson. I second the insertion of a new clause, that is Part IV that deals with the rehabilitation of the quarries and I support that they be included in the discussion.

Madam Chair, however, the rehabilitation was considered in the original Bill, in Part VIII, in the original Clause 29, that talks of a notice before exiting and conditions to be met before such an exit is made. I support though, Madam Chairperson, that that insertion be carried for discussion and resolution by the Committee.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, now that the amendment and insertion of a new Part, that is Part IV, has been proposed by the Chairperson and seconded by Hon. Nereah Okombo. I would like to propose a question and I propose that now it is open for debate.

Honourable members, I would just like to remind us about time. I know our time is running out, so maybe if we can also try and move with speed. Honourable Nereah, you proposed an amendment on Clause 29. Is it an amendment or relocation?

**Hon. Okombo** (MCA, Manyatta “B”): No, Madam Chairperson. I seconded the insertion of Part IV that embraced rehabilitation. Nonetheless, I also just gave notice of the fact that the original Bill had considered rehabilitation in Clause 29. So, if Clause 29 relocates to Part IV, then Madam Chair, I am in agreement.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): So Honourable members, as proposed that Clause 29 moves to Part IV to form Clause 33. I would like to put a question.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): So Honourable members therefore, Clause 29 relocated to Part IV now forms part of Part IV as of Clause 33. So Honourable Members, since Part IV has been proposed, it has been debated and seconded and therefore I would like to put a question.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Therefore, we have the new Part IV and the new clauses forming part of the Bill.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Chairperson, therefore we move to the next part, which is Part V.

**Hon. Obaso** (Nominated Member): Thank you Madam Chairperson. I wish to inform the House that due to those changes, I will continue with the current Bill and the proposed amendments will be in the next amended Bill. Therefore, in Part V,

Madam Chairperson, Clause 22 be amended by inserting a new sub-clause: *“every benefit sharing agreement shall specify;*

*(a) The monetary and non-monetary benefit to the community.*

*(b) Timelines and modes of benefit delivery.*

*(c) Dispute resolution mechanisms and*

*(d) Monitoring and reporting obligations”.*

Madam Chairperson, Clause 23 be amended as follows;

(a) By reordering provisions so that the composition of benefit sharing committee precedes functions.

(b) In Paragraph (a) by inserting the word; *“Ensuring equity, inclusivity, and compliance with Article 10, 56, and 69 of the Constitution”* immediately after the word ‘community’.

Madam Chairperson, Clause 24, be amended by inserting a new sub-clause ‘3’ to read: *“The County Assembly shall consider a proposed benefit sharing agreement within 90 days of submission”.*

Madam Chairperson, lastly, Clause 25 be amended as follows;:

(a) in sub-clause ‘1’ by deleting the word ‘5 persons’ and substituting, therefore; ‘not less than 5 and not more than 7 persons’

(b) By inserting a new sub-clause, 1(a) in constituting *“the forum due regard shall be given to gender equity and representation of persons with disability”.*

(c) By inserting a new sub-clause '8' "election of forum members shall be supervised by the County Public Service Board to ensure fairness and transparency.

D) In sub clause 7, by deleting the words after "sitting allowance" and substituting therefore, 'sitting allowance shall be paid in accordance with the guidelines issued by the Salary and Renewal Commission under subject to budgetary limits approved by the County Assembly'. With those amendments, I propose Honorable Nereah Okombo to second.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes Honorable Nereah Okombo.

**Hon. Okombo** (MCA, Manyatta "B"): Thank you, Madam Chairperson. On Part 5, which talks of benefit sharing, I want to second that amendments for discussion be adopted. But, Honourable Chairperson, I have reservation on the proposed inclusion of Sub-clause 3 of Clause 22 that is talking of Benefit Sharing.

And it states, the proposed amendment says 'that the County Assembly shall consider proposed Benefit Sharing Agreement within 90 days of submission'. I think all the finer details of Benefit Sharing, Madam Chairperson, should be included in the Regulation and not be determined by a sitting of the Assembly. Maybe, I can be further guided.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable member, are you well guided? Okay, Honourable members, and now that the amendments on Part 5 of the Kisumu County Quarrying Control Bill have been proposed by the Chairperson and seconded, I therefore propose that these amendments are now open for debate.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, allow me to put a question. And, therefore, I would like to put a question on the amendments on Part 5. Of the Kisumu County Quarrying Control Bill 2024 on Part 5, as proposed by the Chairperson.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Therefore, the amendments on Part 5 of the Kisumu County Quarrying Control Bill Act 2024 have been adopted, and, therefore, will form part of the Bill.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Chairperson, we move on to the next part.

**Hon. Obaso** (Nominated Member): Thank you Madam Chairperson. Part 5, Part 6, Clause 26, as in this current bill. That Clause 26 be amended:

A, by standardizing the term ‘authorized officer’ as defined in the Clause 2. Inserting a new sub-Clause 7 ‘a person aggrieved by a notice or order under this section may appeal to the County Environment Tribunal within 30 days’.

Madam Chairperson, further, that Clause 27 be amended by inserting the following new sub-Clauses.

A, 3, ‘no entry shall be made into private premises without the consent of the occupier or warrant issued by a court of competent jurisdiction unless the premises are open to the public or are acquiring site under license’

B, 4, ‘any officer exercising power under this section shall produce a written authorization from the Executive Committee Member’. With those amendments, I propose Honourable Nereah Okombo to second.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Nereah Okombo.

**Hon. Okombo** (MCA, Manyatta “B”): Thank you Madam Chairperson. I second the amendments as read by the Chairperson.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, now that the proposed amendments on Part 6 of the Bill has been proposed by the Chairperson and seconded, I therefore propose that the amendments are now open for debate.

*(Silence)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, and now that the amendments on Part 6 of the Kisumu County Quarrying Control Bill 2024 have been proposed, seconded and debated, I therefore put a question.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Therefore, the amendments on Part 6 of the Kisumu County Quarrying Control Bill 2024 have been adopted and therefore will form part of the Bill.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Chairperson, we move on to Part 7.

**Hon. Obaso** (Nominated Member): Thank you Madam Chairperson. Part 7, as stated in this current Bill as Part 8, so I think correction will be in the new proposed amended bill.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Chairperson, you need to propose that Part 8 is changed to Part 7 of the Bill.

**Hon. Obaso** (Nominated Member): Thank you for that Madam Chairperson. I propose that Part 8 be changed to Part 7. And I call upon Honourable Nereah Okombo to second.

**Hon. Okombo** (MCA, Manyatta “B”): Thank you Madam Chairperson, I want to second that Part 8, as proposed by the Chairperson, be changed to read Part 7 that is miscellaneous provisions.

**Temporary Chairperson, Committee of the Whole House** (Hon. Oginga Nominated MCA): Honourable Members, and now that we have the amendment on Part 8 changing to Part 7 as proposed by the Chair and seconded by Honourable Nereah Okombo, I therefore put a question.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Therefore, Part 8 has been changed to Part 7 as proposed and therefore forms part of the Bill.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable Chairperson, we continue.

**Hon. Obaso** (Nominated Member): Thank you Madam Chairperson. Part 7, Clause 28, renumbered to Clause 30, that Clause 28 be amended by :

A) By consolidating penalty as follows.

- I. Natural persons find not exceeding 500,000 Kenya shillings or imprisonment for a term not exceeding two years or both.
- II. Body corporate find not exceeding two million Kenya shillings.
- III. Continuing offences, an additional daily fine of Kenya shillings 50,000.

- B) By expanding the list of offences to include
- I. Undertaking quarrying without a valid license.
  - II. Failure to carry out rehabilitation as ordered.
  - III. Obstruction of authorized officers.

That, Clause 29 relocated from miscellaneous to Part 4 and amended sub clause 1 by inserting a new paragraph D, ‘carrying out rehabilitation in accordance with the unapproved closure plan developed in consultation with the local community and the county environment department’.

Madam Chairperson, again, Clause 32, renumbered to Clause 33, that Clause 32 be amended.

- I. By redrafting sub Clause 1 to read, the executive committee member may, with approval of the county assembly, make regulation for the better carrying in effect of the provision of this act.
- II. By inserting a new sub Clause 3, regulation made under this section shall comply with the statutory instruments, Act 2013, including requirement for public participation, regulatory impact assessment, and tabling before the county assembly.
- III. By deleting paragraph F under sub Clause 2, and substituting, therefore, with the revenue sharing formula between sub counties, that share acquiring resource shall be provided for in this act, or by resolution of the county assembly.
- IV. By inserting a new sub Clause 4, regulations made under this section shall be reviewed at least once every five years to ensure relevance and effectiveness.

And with those amendments, I call upon Honourable Nereah Okombo to second.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes Honourable Nereah Okombo.

**Hon. Okombo** (MCA, Manyatta “B”): Thank you Madam Chairperson. I second that the amendments as proposed under Part 7 be carried as read by the Chairperson.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members now that we have amendments on Part 7 proposed by the Chairperson and seconded by Honourable Nereah. I therefore propose that these amendments open for debate. Honourable members, silence means no reaction. And therefore, allow me to put a question.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Therefore, the amendments on Part 7 of the Kisumu County Quarrying Control Bill 2024 have been adopted, and now form part of the Bill.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Honourable members, we have come to the end of the amendments of the Kisumu County Quarrying Control Bill 2024. Therefore, I will request that one of you volunteers and proposes that the Committee of the Whole House to move back to Plenary.

**Chairperson, Committee of the Whole House** (Hon. Oginga, Nominated Member): Yes, Honourable Nereah Okombo.

**Hon. Okombo** (MCA, Manyatta "B"): Thank you Madam Chairperson. I propose that the Committee of the Whole House do now revert to plenary.

*(House reverts to plenary)*

*(The Hon. Speaker chairs the Plenary)*

**The Speaker** (Hon. Oraro): Honourable Chairperson, Committee of the Whole House. Please report your deliberations to the House.

**Hon. Oginga** (Nominated Member): Thank you Mr. Speaker, I would like to report back the sitting of the Whole House on the amendment on the Kisumu County Quarrying Control Bill 2024.

Honourable Speaker, there are a few amendments that were made on the Bill as proposed by the Chairperson and adopted by the Committee of the Whole House.

First of all, if you allow me, I will just mention the amendments. I will not go into other details. The Committee of the Whole House adopted to go the guillotine way and therefore, as I start with the amendments that were proposed.

CLAUSE 1

THAT Clause 1 be amended by deleting the words "*Kisumu County Quarrying Act, 2024*" and substituting therefor with "*Kisumu County Quarrying Control Act, 2025.*"

CLAUSE 2

THAT Clause 2 be amended by-

- a. Redefining *rehabilitation* to read: "*rehabilitation*" means restoration of land affected by quarrying to a safe, environmentally sustainable, and economically usable condition in accordance with the Environmental Management and Co-ordination Act, 1999;
- b. Inserting the following new definition: "*Persons with Disabilities*" has the meaning assigned under Article 260 of the Constitution of Kenya, 2010 and the Persons with Disabilities Act, 2008;
- c. Standardizing all references to read "*County Executive Committee Member*" in place of "executive committee member" or "CEC Member."

### CLAUSE 3

THAT Clause 3 be amended by inserting a new paragraph (f): "*ensure compliance with the Public Finance Management Act, 2012, the Environmental Management and Co-ordination Act, 1999, the Mining Act, 2016, and any other applicable national legislation in the regulation of quarrying activities.*"

### CLAUSE 4

THAT Clause 4 be amended by inserting a new paragraph (g): "*adherence to the national values and principles of governance under Article 10 of the Constitution of Kenya.*"

### CLAUSE 5

THAT Clause 5 be amended-

- a. In paragraph (d) by deleting the words "*Chief Officer in the Department responsible for Infrastructure*" and substituting therefor with the words "*Chief Officer in the Department responsible for Lands, Physical Planning, Housing and Urban Development.*"
- b. In paragraph (I), after the words "*five persons*" inserting the words "*including at least one person representing Persons with Disabilities.*"

Mr. Speaker, sir,

### CLAUSE 6

THAT Clause 6 be amended by inserting a new sub-clause (4): "*The Executive Committee Member shall ensure that the appointments of members under section 5(f) are staggered to avoid simultaneous expiry of terms.*"

Mr. Speaker, sir,

### CLAUSE 7

THAT Clause 7 be amended by—

- a. Deleting sub-clause (2)(d) and substituting therefor the following—  
"*(d) is incapacitated by prolonged physical or mental illness;*"

- b. Inserting a new sub-clause immediately after (d)—  
“(e) is otherwise unable or unfit to discharge the functions of the office;”
- c. Inserting a new sub-clause (f)—  
“(f) is convicted of a criminal offence punishable by imprisonment for a term not more than six months or to a fine not exceeding three hundred thousand shillings or both.”

**CLAUSE 8**

THAT Clause 8 be amended by inserting a new paragraph (q):

“(q) ensure that quarrying activities comply with national laws including the Mining Act, 2016, the Environmental Management and Co-ordination Act, 1999, and the Public Finance Management Act, 2012.”

**CLAUSE 9**

THAT Clause 9 be amended by deleting the words “Director for the time being responsible for Infrastructure” and substituting therefor with “Director for the time being responsible for Lands, Physical Planning, Housing and Urban Development.”

**CLAUSE 10**

THAT Clause 10 be amended by inserting a new paragraph (k):

“(k) ensure compliance with the County Governments Act, 2012 and all applicable public finance, planning, and environmental laws in the execution of its functions.”

**CLAUSE 11**

THAT Clause 11 be amended by inserting a new sub-clause (3):

“(3) Any member who contravenes this section shall cease to hold office and may be further subjected to proceedings under the Public Officer Ethics Act, 2003.”

**CLAUSE 12**

THAT Clause 12 be deleted and substituted therefor with the following new clause—

“12. A member of the Committee or Secretariat shall cease to hold office if—

- (a) they resign in writing;
- (b) they are transferred, reassigned, retired, or dismissed;
- (c) they are convicted of an offence under section 7(2)(f);
- (d) they are found in breach of conflict of interest provisions; or
- (e) their term expires and is not renewed.”

**CLAUSE 13**

THAT Clause 13 be amended by inserting a new sub-clause (4):

*“(4) All fees and levies imposed under this Act shall comply with the provisions of the Public Finance Management Act, 2012, particularly sections 159–161.”*

CLAUSE 14

THAT Clause 14 be amended by inserting a new sub-clause (4):

*“(4) The Revenue Board shall publish annual reports on fees and levies collected under this Act, which shall be tabled before the County Assembly.”*

CLAUSE 15

THAT Clause 15 be amended by inserting a new sub-clause (3):

*“(3) The Executive Committee Member shall determine all applications within sixty days of receipt.”*

CLAUSE 16

THAT Clause 16 be deleted and its provisions merged into Clause 15 and renumbered accordingly.

CLAUSE 17

THAT Clause 17 be amended by inserting a new sub-clause (6):

*“(6) An application for a license shall not be approved unless accompanied by an Environmental Impact Assessment license issued under the Environmental Management and Co-ordination Act, 1999.”*

CLAUSE 18

THAT Clause 18(1)(i) be amended by deleting the words “any other factors” and substituting therefor with—

*“any other factors which, in the opinion of the Executive Committee Member, are inconsistent with public safety, public health, or environmental sustainability.”*

CLAUSE 19

THAT Clause 19 be amended by inserting a new sub-clause (5):

*“(5) A person aggrieved by a decision of the Executive Committee Member under this section may appeal to the County Physical and Land Use Planning Liaison Committee within thirty days.”*

Mr. Speaker saw there was an amendment in Clause 20 which states that Clause 20 be amended as follows a. Relocated to a new Part IV which is the Environmental Protection and Rehabilitation and redrafted as follows.

CLAUSE 20

THAT Clause 20 amended as follows;

- a. Relocated to a new Part IV – Environmental Protection and Rehabilitation and redrafted as follows—

*“(20) Every licensee shall deposit with the County Government a security in a form prescribed by regulations, sufficient to cover full rehabilitation costs, as*

*determined by an Environmental Impact Assessment under the Environmental Management and Co-ordination Act, 1999.”*

b. *(b) The rehabilitation security shall be reviewed every three years.*

Mr. Speaker, there was an amendment to Clause 21, which is the last clause of this Part. The amendment proposes that Clause 21 be amended by inserting the following provision:

*“Provided that in the case of corporate restructuring or succession, the transferee may apply for a fresh license under this Act within six months of the change in control.”*

Mr. Speaker, the Committee also noted that the Bill, as presented, did not contain a Part IV. Therefore, there was a proposal to introduce Part IV, as captured in the amendment schedule. This new Part is titled Environmental Protection and Rehabilitation. Consequently, the clauses under this new Part IV will be renumbered as required.

According to the report, Clause 21 in this new Part shall include an additional provision stating that:

*“No license shall be issued under this Act unless the applicant has obtained an Environmental Impact Assessment license from the National Environment Management Authority, in accordance with the Environmental Management and Coordination Act, 1999.”*

Mr. Speaker, under Clause 22 of the same Part, there is an amendment proposing the introduction of a new clause to read as follows:

*“Every licensee shall undertake an environmental audit every two years, which shall be submitted to both the County Government and NEMA, and shall ensure the implementation of the recommendations therein.”*

Further, Mr. Speaker, another clause has been introduced as Clause 23. It provides that:

*“The County Executive Committee Member shall establish a Quarry Rehabilitation Fund, into which a percentage of levies collected under this Act shall be deposited, and which shall be used exclusively for the restoration of abandoned quarry sites.”*

Mr. Speaker, Sir, Clause 28 under this Part proposes the insertion of a new clause to read:

*“The County Government shall collaborate with national agencies responsible for environmental matters, mining, and occupational safety in the enforcement of this Act.”*

Mr. Speaker, Sir, under the same new Part, another provision has been introduced as Clause 29, which states:

*“Any person who obstructs or hinders an authorized officer in the performance of their duties under this Act commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both.”*

Mr. Speaker, Clause 31 has been introduced to provide that:

*“A person who contravenes any provision of this Act for which no specific penalty is provided commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both.”*

Mr. Speaker, Sir, Clause 32 has also been introduced to read:

*“Where an offence under this Act is committed by a body corporate, every director or officer responsible for the management of that body corporate shall be deemed to have committed the offence, unless they prove that the offence was committed without their consent or connivance, and that they exercised due diligence to prevent its commission.”*

Mr. Speaker, Sir, there was another amendment relating to the next clause, Clause 33, which in the previous Bill appeared as Clause 29.

Under Clause 29, which now forms part of Part IV of the Bill, it is proposed that the clause be relocated from the Miscellaneous Section to Part IV. In addition, sub-clause (l) is to be amended by inserting a new paragraph (d) to read as follows:

*“To carry out rehabilitation in accordance with an approved closure plan developed in consultation with the local community and the County Environment Department.”*

Mr. Speaker, Sir, I now move on to Part V of the Bill, where further amendments were proposed. Kindly take note that, owing to the introduction of a new Part which was missing in the original Bill, the numbering of the clauses will require proper adjustment. For purposes of this presentation, however, I will proceed with the old numbering, trusting that the renumbering will be done accordingly.

Under Part V, Clause 22 has been amended by inserting a new sub-clause (3), which provides that:

*“Every benefit-sharing agreement shall specify—*

- a) the monetary and non-monetary benefits to the community;*
- b) the timelines and modes of benefit delivery;*
- c) the dispute resolution mechanisms; and*
- d) the monitoring and reporting obligations.”*

Mr. Speaker, Sir, under Clause 23 there is an amendment as follows:

- a) That, the provisions be reordered so that the composition of benefit-sharing committees precedes the functions; and
- b) That, in paragraph (a), immediately after the word “community”, the words “ensuring equity, inclusivity, and compliance with Articles 10, 56, and 69 of the Constitution” be inserted.

Mr. Speaker, Sir, under Clause 24 of the same Part, it is proposed that Clause 24 be amended by inserting a new sub-clause (3) to read:

*“The County Assembly shall consider a proposed benefit-sharing agreement within ninety (90) days of its submission.”*

Further, Mr. Speaker, under Clause 25, there are several amendments proposed:

- a) In sub-clause (1)(l), by deleting the words “five persons” and substituting therefor “not less than five and not more than seven persons.”
- b) By inserting a new sub-clause (1A) to read:  
*“In constituting the Forum, due regard shall be given to gender equity and the representation of persons with disabilities.”*
- c) By inserting a new sub-clause (8) to read:  
*“The elections of Forum members shall be supervised by the County Public Service Board to ensure fairness and transparency.”*
- d) In sub-clause (7), by deleting the words following “sitting allowances” and substituting therefor:  
*“sitting allowances shall be paid in accordance with guidelines issued by the Salaries and Remuneration Commission and subject to budgetary limits approved by the County Assembly.”*

Mr. Speaker, Sir, I now move to Part VI of the Bill, which also had amendments.

Under Clause 26, it was proposed that—

- a) the term “authorized officer” be standardized as defined in Clause 2; and
- b) a new sub-clause (7) be inserted to read:  
*“A person aggrieved by a notice issued under this section may appeal to the County Environment Tribunal within thirty (30) days.”*

Mr. Speaker, Sir, under Clause 27, there were further amendments as follows:

a) By inserting a new sub-clause (3) to read:

*“No entry shall be made into private premises without the consent of the occupier or a warrant issued by a court of competent jurisdiction, unless the premises are open to the public or are a quarrying site under license.”*

b) By inserting a new sub-clause (4) to read:

*“Any officer exercising powers under this section shall produce written authorization from the Executive Committee Member.”*

Mr. Speaker, Sir, I wish to note that there was no Part VII in the Bill as originally drafted. It was therefore proposed that Part VIII be renumbered as Part VII, with subsequent renumbering done accordingly.

Under this Part VII, Clause 28 was amended as follows:

a) By revising penalties to provide that—

- i. for natural persons: a fine not exceeding five hundred thousand shillings, or imprisonment for a term not exceeding two years, or both;
- ii. for a body corporate: a fine not exceeding two million shillings; and
- iii. for continuing offences: an additional daily fine of fifty thousand shillings.

b) By expanding the list of offences to include—

- i. undertaking quarrying without a valid license;
- ii. failure to carry out rehabilitation as ordered; and
- iii. obstruction of authorized officers.

Mr. Speaker, Sir, under Clause 32, which is the last clause amended under this Part, the following changes were proposed:

1. That sub-clause (1) be redrafted to read:

*“The Executive Committee Member may, with the approval of the County Assembly, make regulations for the better carrying into effect of the provisions of this Act.”*

2. That a new sub-clause (3) be inserted to read:

*“Regulations made under this section shall comply with the Statutory Instruments Act, 2013, including requirements for public participation, regulatory impact assessment, and tabling before the County Assembly.”*

3. That paragraph (f) of sub-clause (2) be deleted and substituted with the following:

*“The revenue-sharing formula between sub-counties that share a quarrying resource shall be provided for in this Act or by a resolution of the County Assembly.”*

4. That a new sub-clause (4) be inserted to read:

*“Regulations made under this section shall be reviewed at least once every five years to ensure their relevance and effectiveness.”*

Mr. Speaker, Sir, those were the amendments proposed and adopted, which now form part of the Bill. With those remarks, I beg to call upon Honourable Nereah to second.

**The Speaker** (Hon. Oraro): Yes Honourable Okombo.

**Hon. Okombo** (MCA, Manyatta “B”): Thank you Mr. Speaker I second.

**The Speaker** (Hon. Oraro): Honourable members, when the report of the Chairperson, Committee of the Whole House is presented and seconded, I will proceed directly to put a question because I believe that these are matters that were debated during the committee of the whole House.

*(Question put and agreed to)*

**The Speaker** (Hon. Oraro): Honourable members, the report by the Committee of the Whole House now becomes part of the Bill

**The Speaker** (Hon. Oraro): Next order!!

## **ADJOURNMENT**

**The Speaker** (Hon. Oraro): Honourable members, there being no other business in the order paper, this House stands adjourned until today Wednesday 10<sup>th</sup> September, 2025 at 02.30 p.m.

*(House rose at 11.42 a.m.)*

*Addendum*

**The Hansard Team**

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*Jesca Otieno – Chief Hansard Reporter*

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