



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, JULY 31, 2024 AT 9.30 A.M**

1. The House assembled at Thirty Minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – The Hon. Deputy Speaker.
4. **QUORUM AT COMMENCEMENT OF THE HOUSE**

There being no Quorum present at the commencement of the House, the Hon. Deputy Speaker ordered the Quorum Bell to be rung for ten minutes; and,

A quorum having been attained within ten minutes; the business commenced.

**5. STATEMENTS**

(a) The following Statements were requested pursuant to the provisions of Standing Order 44(2)(c)—

- (i) Request for a Statement by the Member for Kacheliba (Hon. Titus Lotee, MP) from the Chairperson, Departmental Committee on Administration and Internal Security regarding the Insecurity in Kacheliba Constituency; and
- (ii) Request for a Statement by Nominated Member (Hon. Dorothy Ikiara, MP) from the Chairperson, Departmental Committee on Health regarding the Status of the Dedan Kimathi University Cancer Management Centre.

**6. MOTION – **THE SEXUAL OFFENCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 78 OF 2023)****

Order for First Reading Read;

Bill Read a First Time and committed to the relevant Departmental Committee pursuant to Standing Order 127(1).

(The Hon. Dorice Donya, M.P.)

**7. MOTION – **CONSIDERATION OF SENATE AMENDMENTS TO THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2022)****

Motion made and Question proposed-

**THAT**, the Senate amendments to the Sugar Bill (National Assembly Bill No. 34 of 2022) be now considered.

*(The Hon. Emmanuel Wangwe, M.P.)*

And there being no debate arising;

Question put and agreed to.

**8. MOTION: 019/2023 – POLICY FOR THE PROVISION OF MENTAL HEALTH SERVICES IN ALL HEALTHCARE FACILITIES**

Motion made and Question proposed-

**THAT**, aware that Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health including the right to health care services; further aware that mental health is a key determinant of overall health and socio-economic development; recognizing that the Constitution assigns to the national government the responsibility of matters of health policy; concerned that according to the World Health Organization (WHO), mental and neurological disorders are common and about ten (10) percent of the global population suffer from at least one mental health disorder at any given time; concerned that psychiatric units are only available in a few facilities in the country and patients requiring psychiatric services have limited or no access to these facilities; acknowledging that, access to healthcare facilities would lead to improved overall health, increased economic productivity, social equity and improved quality of life for all; now therefore, this House urges the national government, through the Ministry of Health to collaborate with county governments to develop a policy integrating mental healthcare services in all healthcare facilities in the country.

*(The Hon. Mishi Mboko, M.P.)*

Debate arising;

Question put and agreed to.

*(Change of Chair from the Deputy Speaker to the Sixth Chairperson of Committees)*

Rising in her place on a Point of Order pursuant to Standing Order 96, the Member for Sigowet/Soin, (Hon. Justice Kemei, MP) claimed to move “THAT, the debate be now adjourned”.

Thereupon, Question put and agreed to;

Debate adjourned.

**9. COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Sixth Chairperson in the Chair

**(i) The Pensions (Amendment) Bill (National Assembly Bill No. 44 of 2022)**

(The Hon. Didmus Barasa, M.P.)

**Clause 2 - amendment proposed—****THAT**, Clause 2 of the Bill be amended by inserting the following new subsections immediately after the proposed new subsection (1A)—

“(1B) Without prejudice to the generality of subsection (1A), the Ministry or Department where an officer was serving prior to retirement, shall send the relevant documents to the Pensions Department within thirty days from the date of retirement of the officer.

(1C) Subject to subsection (1B), the Pensions Department shall process the officer’s pension within sixty days of receipt of the documents.”

*(Hon. Julius Rutto, MP – Member of the Departmental Committee on Finance and National Planning)*

Proposed amendment dropped.**New Clause 1A - amendment proposed—****THAT**, the Bill be amended by inserting the following new Clause immediately after Clause 1-

Amendment  
of section 3  
of Cap.  
189.

**1A.** Section 3 of the Pensions Act is amended by inserting the following new subsection immediately after subsection (5)-

(6) The Cabinet Secretary may make regulations to give effect to the provisions of section 6.

Motion made and Question proposed—

**THAT**, the new Clause 1A be now read a Second Time;

*(Hon. Julius Rutto – Member, Departmental Committee on Finance and National Planning)*

Debate arising;

Question of the amendment put and agreed to;

Motion made and Question proposed—

**THAT**, the new Clause 1A be part of the Bill;

*(Hon. Julius Rutto – Member, Departmental Committee on Finance and National Planning)*

Debate arising;

Question of the amendment put and agreed to;

New Clause 1A - agreed to.  
 Title - agreed to.  
 Clause 1 - agreed to.  
 Bill to be reported with amendments.

**(ii) Consideration of Senate amendments to the Sugar Bill (National Assembly Bill No. 34 of 2022)**

(The Hon. Emmanuel Wangwe, M.P.)

**Clause 6 - Senate 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 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)”.

*(The Chairperson, Committee on Agriculture & Livestock)*

Question of the Senate amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 6 - rejected.

**Clause 17 - Senate amendment proposed-**

**THAT**, the Bill be amended by inserting the following new heading immediately after Clause 17.

**PART III –LICENSING AND REGISTRATION**

*(The Chairperson, Committee on Agriculture & Livestock)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 17 - approved.

**Clause 19 - Senate 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 sugarcane zone; or
    - (c) grower is exempted from the requirement by the Board under section 19A.

*(The Chairperson, Committee on Agriculture & Livestock)*

Question of the Senate amendment proposed;

Debate arising;

Question of Senate amendments to Clause 19 in paragraph (a) put and negatived;

Senate amendment to Clause 19 in paragraph (a) - rejected.

Question of Senate amendments to Clause 19 in paragraph (b) put and agreed to;

Senate amendment to Clause 19 in paragraph (a) - approved.

**Clause 29** - **Senate 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.

*(The Chairperson, Committee on Agriculture & Livestock)*

Question of the Senate amendments proposed;

Debate arising;

Question of Senate amendments to Clause 29(1)(d) and new subclause 1A put and agreed to;

Senate amendment to Clause 29(1)(d) and new subclause 1A - approved.

Question of Senate amendments to Clause 29(1)(e) put and negatived;

Senate amendment to Clause 29(1)(e) - rejected.

**Clause 38** - **Senate amendment proposed-**

**THAT** Clause 38(6) be amended—

- (a) in subclause (6) by—

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

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

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

*(The Chairperson, Committee on Agriculture & Livestock)*

Question of the Senate amendment proposed;

Debate arising;

Question of Senate amendments to Clause 38(6)(b) put and agreed to;

Senate amendment to Clause 38(6)(b) - approved.

Question of Senate amendments to Clause 38(6)(d) and new subclause 1A put and negatived;

Senate amendment to 38(6)(d) and new subclause 1A - rejected.

**Clause 43** - **Senate amendment proposed-**

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

*(The Chairperson, Committee on Agriculture & Livestock)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 43 - approved.

**Clause 59** - **Senate amendment proposed-**

**THAT**, the Bill be amended by deleting Clause 59.

*(The Chairperson, Committee on Agriculture & Livestock)*

Question of the Senate amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 59 - rejected.

**Clause 60** - **Senate 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.

*(The Chairperson, Committee on Agriculture & Livestock)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 60 - approved.

**New Clause 19A** - **Senate amendment proposed-**

**THAT**, the Bill be amended by inserting the following new Clause immediately after Clause 19—

**19A.** (1) A grower may deliver cane outside a sugarcane zone provided that the grower, — Exemption from cane supply restriction

- a) has a pre-existing agreement with a miller outside the sugarcane zone;
  - b) is not indebted to a miller or an outgrower institution within the sugarcane zone that they are situated; and
  - c) has no supply agreement with a miller within the sugarcane zone that they are situated.
- (1) the grower who fulfils the provisions of subsection (1) shall notify the Board of their intention to supply cane outside a sugarcane zone.
  - (2) The Cabinet Secretary shall prescribe regulations for the notification process under subsection (2).
  - (3) The Cabinet Secretary shall prescribe regulations for the notification process under subsection (2).

*(The Chairperson, Committee on Agriculture & Livestock)*

Question of the Senate amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 19A - rejected.

**New Clause 19B** - **Senate amendment proposed-**

**THAT**, the Bill be amended by inserting the following new clause immediately after Clause 19—

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

Intermiller agreements.

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

*(The Committee recommends approval of the Senate amendment)*

Question of the Senate amendment proposed;

Debate arising;

Question of Senate amendments to New Clause 19B(a) & (b) put and agreed to;

Senate amendment to New Clause 19B(a) & (b) - approved.

Question of Senate amendments to New Clause 19B (c) put and negatived;

Senate amendment to New Clause 19B(c) - rejected.

Question put and agreed to;

**New Schedule** - **Senate amendment 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**

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

*(The Chairperson, Committee on Agriculture & Livestock)*

Question of the Senate amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to the New Schedule - rejected.



**Clause 2** - **Senate 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.

*(The Chairperson, Committee on Agriculture & Livestock)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 2 - rejected

Consideration of Senate amendments to the Sugar Bill (National Assembly Bill No. 34 of 2022 to be reported with amendments;

**(iii) The Cotton Industry Development Bill (National Assembly Bill No. 5 of 2023)**

*(The Hon. Mary Emaase, M.P. – Co-Sponsor)*

**Clause 3** - **amendment proposed—**

**THAT**, Clause 3 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph— “(a) to promote a globally competitive cotton industry through regulation in collaboration with the County Governments;”.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 3 - as amended agreed to.

Clauses 4, 5 and 6 - agreed to.

**Clause 7** - **amendment proposed—**

**THAT**, Clause 7 of the Bill be amended—

(a) in subclause (1)—

(i) by deleting paragraph (c) and substituting therefore the following new paragraph—

“(c)The Principal Secretary responsible for matter relating to Industrialization”

(ii) by inserting a new paragraph immediately after paragraph (c)—

- “(ca) the Principal Secretary responsible for National Treasury”
- (b) by inserting the following new subclause immediately after subclause (3)—
  - “(4) In making appointments of members to the Board, the appointing authority shall observe the principle of gender balance.”

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 7 - as amended agreed to.

Clauses 8, 9 and 10 - agreed to.

**Clause 11 - amendment proposed—**

**THAT**, Clause 11 of the Bill be amended in subclause (1)—

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—
  - “(a)regulate and promote the development of the cotton industry;”
- (b) by deleting paragraph (e) and substituting therefor the following new paragraph—
  - “(e) regulate and promote import and export of cotton products and by-products;”
- (c) by deleting paragraph (g) and substituting therefor the following new paragraph—
  - “(g) in consultation with the Kenya Bureau of Standards and other relevant institutions, formulate standards and code of practice acceptable in international markets to ensure the competitiveness and reliability of the country as a producer of cotton products.”
- (d) by deleting paragraph (n);
- (e) by deleting paragraph (o) and substituting therefor the following new paragraph—
  - “(o) establish linkages with other government agencies and research institutions to enhance quality assurance and research and facilitate flow of research findings to the interested parties;”
- (f) by deleting paragraph (p) and substituting therefor the following new paragraph—
  - “(p) liaise with the national agricultural research systems to develop suitable and affordable cotton seeds;”

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

- Clause 11 - as amended agreed to.
- Clauses 12 and 13 - agreed to.

**Clause 14** - **amendment proposed;**

**THAT**, Clause 14 of the Bill be amended by deleting the words “fees or allowance” appearing immediately after the word “remuneration”.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

- Clause 14 - as amended agreed to.

**Clause 15** - **amendment proposed—**

**THAT**, Clause 15 of the Bill be amended in paragraph (b) by deleting the word “degree” and substituting therefor new words “master’s degree”.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and negatived;

- Clause 15 - agreed to.

- Clause 16 - agreed to.

**Clause 17** - **amendment proposed—**

**THAT**, Clause 17 of the Bill be amended in paragraph (c) by inserting the word “of” immediately after the word “contravention”.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

- Clause 17 - as amended agreed to.

- Clauses 18, 19, 20, 21 and 22 - agreed to.

**Clause 23** - **amendment proposed—**

**THAT**, Clause 23 of the Bill be amended—

(a) in sub-clause (1)—

- (i) by deleting paragraph (b);
- (ii) by deleting paragraph (c);
- (iii) by deleting paragraph (d); and

- (iv) by deleting paragraph (e) and substituting therefor the following new paragraph—
  - “(e) promote the organisation of cotton farmers cooperatives, associations and link them with credit and financing support;”
- (b) in sub clause (2)—
  - (i) by deleting paragraph (b);
  - (ii) by deleting paragraph (c) and substituting therefor the following new paragraph—
    - “(c) promote production and productivity of cotton in the respective county;”
  - (iii) by deleting paragraph (d) and substituting therefor the following new paragraph—
    - “(d) offer extension services on cotton production and processing;”
  - (iv) by deleting paragraph (e);
  - (v) by deleting paragraph (f) and substituting therefor the following new paragraph—
    - “(f) provide training and dissemination of information to cotton farmers and processors on technologies, innovations and management practices”
  - (vi) by deleting paragraph (g);
  - (vii) by deleting paragraph (h) and substituting therefor the following new paragraph—
    - “(h) promote farm productivity through suitable seed varieties and integrated cotton farming systems;”
  - (viii) by deleting paragraph (i);
  - (ix) by deleting paragraph (j)
  - (x) by deleting paragraph (m) and substituting therefor the following new paragraph—
    - “(m) establish cotton collection aggregation centres in collaboration with the national government;”
  - (xi) by deleting paragraph (n);
  - (xii) by deleting paragraph (o) and substituting therefor the following new paragraph—
    - “(o) link cotton farmers with agricultural mechanization centres for affordable machinery;”
  - (xiii) by deleting paragraph (p) and substituting therefor the following new paragraph—
    - “(p) link the farmers with affordable farm inputs.
  - (xiv) by deleting paragraph (q) and substituting therefor the following new paragraph—
    - “(q) carry out other functions as may be conferred upon by this law or any other written law.”
- (c) by deleting subclause (3)

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 23 - as amended agreed to.

**Clause 24** - **amendment proposed—**

**THAT**, Clause 24 of the Bill be amended—

- (a) in subclause (1), by deleting the words “for the better carrying out of the functions under this Act,” appearing immediately before the word “committee”;
- (b) in subclause (2), by deleting the words “that the county executive committee member shall deem fit” appearing immediately after the word “county”;
- (c) in subclause (3), by deleting the words “executive committee member” appearing immediately after the word “county”;
- (d) by deleting subclause (4);
- (e) by deleting subclause (5);
- (f) by deleting subclause (6); and
- (g) by deleting subclause (7).

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 24 - as amended agreed to.

**Clause 25** - **amendment proposed—**

**THAT**, Clause 25 of the Bill be amended—

- (a) by deleting subclause (3);
- (b) by deleting subclause (4), and substituting therefor the following new sub-clause—
  - “(4) A registered cooperative society or cotton association shall submit a register of its members to the respective county government and shall furnish the county government with information on any changes of its membership within thirty (30) days of a change in membership”;
- (c) in subclause (5), by deleting the words “under subsection (1)” appearing immediately after the word “applicant” and substituting therefor the words “under this section”;
- (d) in subclause (6), by deleting the words “subsection (1)” appearing immediately after the word “under” and substituting therefor the words “this section”;
- (e) in subclause (7)—
  - (i) by deleting the words “subsection (6)” appearing in the opening statement and substituting therefor the words “ this section”; and

- (ii) by deleting the words “or that” appearing immediately after the word “business” in paragraph (b);
- (f) in subclause (8), by deleting the words “under subsection (6)” appearing immediately after the word “register”;
- (g) in subclause (10), by deleting the words “subsection (1)” appearing immediately after the word “under” and substituting therefor the words “this section”;

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 25 - as amended agreed to.

**Clause 26** - **amendment proposed**—

**THAT**, Clause 26 of the Bill be amended—

- (a) by deleting the marginal note and substituting the following new marginal note—  
“Licensing of ginners, spinners and processors.”
- (b) in sub-clause (1) by inserting the word “processing” immediately after the word “spinning”;
- (c) by deleting subclause (2) and substituting the following new subclause—  
“(2) A person who intends to engage in the business of cotton ginning, spinning, processing or value addition and has been registered by the respective County Government for that purpose shall submit an application in the prescribed form to the Board together with—  
    (a) such documents and information as the Board may prescribe; and  
    (b) the prescribed fees;”
- (d) in sub-clause (3) by deleting the words “a county executive committee member” and substituting therefor the word “The Board”;
- (e) by deleting subclause (5) and substituting therefor the following new subclause—  
    “(5) Where the Board refuses to grant an application for a licence, the Board shall specify the reasons for the refusal”
- (f) by deleting sub-clause (6) and substituting therefor the following new subclause—  
    “(6) The Board shall, at least thirty days before granting a new licence under this Act, publish a notice of the proposed grant by notice in the gazette and in such other manner as the Board may determine.”
- (g) in subclause (7), by deleting the words “county executive committee member” and substituting therefor the word “Board”;
- (h) by deleting subclause (8) and substituting therefor the following new subclause—

- “(8) The Board shall consider any objection and may grant the licence applied for subject to such terms and conditions as the Board may consider appropriate.”; and
- (i) in subclause (10) by deleting the words “of subsection (1)” appearing immediately before the word “commits” and replacing therefor the word “this section”.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 26 - as amended agreed to.

**Clause 27** - **amendment proposed—**

**THAT**, Clause 27 of the Bill be amended—

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

“(1) The Board may refuse to grant a licence where the application does not comply with the requirements imposed under this Act.”; and

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

“(2) The Board shall notify the applicant of the decision within fourteen days of such refusal.”

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 27 - as amended agreed to.

**Clause 28** - **amendment proposed—**

**THAT**, Clause 28 of the Bill be amended—

- (a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement—

“(1) The Board may revoke license under this Act if the licensee—” ; and

- (b) by deleting the opening statement in subclause (2) and substituting therefor the following new opening statement—

“The Board shall not revoke a licence unless the Board—“

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 28 - as amended agreed to.

**Clause 29** - **amendment proposed—**

**THAT**, Clause 29 of the Bill be amended—

(a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement—

“(1)A compliance notice issued under subsection 28(2)(b) shall—”

(b) by deleting subclause in sub-clause (2) and substituting therefor the following new subclause—

“(2) The Board may, upon request by the licensee and, where there are sufficient grounds shown by the licensee, extend the period of compliance for such period as the Board may consider to ensure necessary to ensure compliance”

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 29 - as amended agreed to.

**Clause 30** - **amendment proposed—**

**THAT**, Clause 30 of the Bill be amended—

(a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement—

“(1) Where a person who receives compliance notice under section 29 fails to comply with such notice, the Board may—”

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

“(2) For purposes of this Act, a revocation of licence takes effect on the date on which the licence is revoked by the Board.”

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 30 - as amended agreed to.

**Clause 31** - **amendment proposed—**



**THAT**, the Bill be amended by deleting Clause 31.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 31 - deleted.

**Clause 32** - **amendment proposed;**

**THAT**, Clause 32 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause;

“(1) The county government shall designate collection centres in consultation with cotton growers and other stakeholders.”

- (b) in subclause (2)—

- (i) by deleting the words “county executive committee member” and substituting therefor the words “county government;” appearing in the opening statement; and

- (ii) in paragraph (a) by deleting the words “Cabinet Secretary” and substituting therefor the word “Board”.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 32 - as amended agreed to.

**Clause 33** - **amendment proposed—**

**THAT**, Clause 33 of the Bill be amended—

- (a) by deleting sub-clause (3);
- (b) by deleting sub-clause (4);
- (c) by deleting sub-clause (5);
- (d) in sub-clause (6) by deleting the word “subsection (2)” appearing immediately after the word “under” and substituting therefor the words “subsection (6)”;
- (e) by deleting sub-clause (7);
- (f) in clause (9) by deleting the words “subsection (4)” appearing immediately after the word “under” and substituting therefore the words “subsection (6)”;
- (g) by deleting subclause (10) and substituting therefore the following new subclause—

“(10) A person who is not satisfied with the decision of the Board may appeal to the Cabinet Secretary; and where such a person is not satisfied with the decision of the Cabinet Secretary, shall appeal to the High Court.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 33 - as amended agreed to.

**Clause 34** - **amendment proposed—**

**THAT**, Clause 34 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new subclause—

“(1)A license issued under this Act shall be valid for a period of one year from the date it was issued.”;

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

“(2)A person who intends to renew a license under sub-section (1) shall submit an application to the Board in the prescribed form at least thirty days before the date of expiry of the current license”.

(c) in subclause (3) by deleting the words “section 32” and substituting therefor the words “section 33” .

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 34 - as amended agreed to.

**Clause 35** - **amendment proposed—**

**THAT**, Clause 35 of the Bill be amended—

(a) in subclause (1) by deleting the opening statement and substituting therefor the following new opening statement—

“(1) The Board may revoke a licence issued or renewed under this Act if the licensee—”

(b) in sub-clause (2) by deleting the opening statement and substituting therefor the following new opening statement—

“(2) The Board may revoke a licence issued under subsection (1) unless the Board—“.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 35 - as amended agreed to.

**Clause 36** - **amendment proposed—**

**THAT**, Clause 36 of the Bill be amended in sub-clause (1) by deleting the words “section 34(2)” appearing immediately after the word “under” and substituting therefor the words “section 35(2)(b)”

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 36 - as amended agreed to.

**Clause 37** - **amendment proposed—**

**THAT**, Clause 37 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “section 34” appearing immediately after the word “under” and substituting therefor the words “section 36”;

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

“(2) For purposes of this Act, a revocation of licence takes effect on the date on which the licence is revoked by the Board.”

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 37 - as amended agreed to.

**Clause 38** - **amendment proposed—**

**THAT**, Clause 38 of the Bill be amended by inserting the following a new sub-clause immediately after subclause (1)—

“(2) The Board shall apply the money received under this section for the furtherance of the objects and performance of the functions of the Board.”

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 38 - as amended agreed to.

**Clause 39** - **amendment proposed—**

**THAT**, the Bill be amended by deleting Clause 39 and substituting therefor the following new clause—

Cotton  
Development  
Levy.

39. (1) The Cabinet Secretary shall, in consultation with the Board, and by order in the Gazette, impose a levy to be known as the Cotton Development Levy.

(2) The levy shall be applicable to all imported textiles and shall be payable at such rate as may be specified in the order.

(3) An order under this section may contain provisions as to the time at which any amount payable by way of the levy shall become due.

(4) All monies received in respect of the levy shall be paid to the Board and if not paid on or before the date prescribed by the order, the amount due and any sum payable under subsection (5) shall be a civil debt recoverable summarily by the Board.

(5) If a person fails to pay any amount payable by him or her by way of the levy on or before the date prescribed by the order, a sum equal to five per centum of the amount shall be added to the amount due for each month or part thereof during which the amount due remains unpaid.

(6) The Board shall apply the money received under this section for the furtherance of the objects of the Board.

(7) The monies received by the Board under this section shall be apportioned as follows—

- (a) an amount not exceeding seventy per cent for the development of constituency textile value addition and garment manufacturing centres, to be developed in every constituency; and
- (b) an amount not exceeding thirty per cent to provide for sustainable, affordable credit and advances to cotton farmers for all or any of the following purposes—
  - (i) farm improvement;
  - (ii) farm inputs;
  - (iii) farming operations; and
  - (iv) price stabilization.

*(Hon. Mwengi Mutuse)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and negatived;

**Further amendment proposed—**

**THAT**, Clause 39 of the Bill be amended by deleting the words “the county government” appearing immediately after the word “Board”.

*(The Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 39 - as amended agreed to.

**Clauses 40 and 41** - **agreed to**.

**Clause 42** - **amendment proposed—**

**THAT**, Clause 42 of the Bill be amended in subclause (3), by deleting the words “the National Assembly and the Senate” appearing before the word “to” and substituting therefor the word “Parliament”.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 42 - as amended agreed to.

Clause 43 - agreed to.

**Clause 44** - **amendment proposed—**

**THAT**, the Bill be amended by deleting clause 44 and substituting therefor the following new clause—

Incentives

“44. The Cabinet Secretary responsible for Agriculture may, in consultation with the Cabinet Secretary for Treasury initiate implementation of such measures, including tax incentives in order to promote the development of the cotton industry.”

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and negatived;

Clause 44 - agreed to.

**Clause 45** - **amendment proposed—**

**THAT**, Clause 45 of be Bill be deleted.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 45 - deleted.

**Clause 46** - **amendment proposed—**

**THAT**, Clause 46 of the Bill be amended in subclause (1) by deleting the words “twenty thousand” and substituting therefor the words “one hundred thousand”.

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 46 - as amended agreed to.

**Clause 47** - **amendment proposed—**

**THAT**, Clause 47 of the Bill be amended in subclause (2) by deleting the words “under section 7(1)(c)” appearing in paragraph (a).

*(The Chairperson, Departmental Committee on Agriculture and Livestock Development)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 47 - as amended agreed to.

**Clause 48** - **agreed to**.

Progress on the Bill to be reported with amendments.

**10. HOUSE RESUMED** - the Second Chairperson in the Chair

**(i) The Pensions (Amendment) Bill (National Assembly Bill No. 44 of 2022)**

Bill reported with amendments.

Motion made and Question proposed—

**THAT**, the House do agree with the report of the Committee of the Whole House on its consideration of the Pensions (Amendment) Bill (National Assembly Bill No. 44 of 2022).

*(Hon. Didmus Barasa, M.P.)*

Putting of the Question deferred.

**(ii) Consideration of Senate amendments to the Sugar Bill (National Assembly Bill No. 34 of 2022)**

Consideration of Senate Amendments to the Bill reported with amendments;

Motion made and Question proposed—

**THAT**, the House do agree with the report of the Committee of the Whole House on its consideration of Senate Amendments to the Sugar Bill (National Assembly Bill No. 34 of 2022).

*(Hon. Emmanuel Wangwe, M.P.)*

Putting of the Question deferred.

**(iii) The Cotton Industry Development Bill (Senate Bill No. 5 of 2023)**

Progress on the Bill reported with amendments;

Motion made and Question proposed –

**THAT**, the House do agree with the report of the Committee of the Whole House on its consideration of the Cotton Industry Development Bill (Senate Bill No. 5 of 2023), up to Clause 48 and seeks leave to sit again.

*(Hon. Mary Emaase, M.P. – Co-sponsor)*

Putting of the Question deferred.

And the time being nine minutes past One O'clock, the Second Chairperson adjourned the House without Question put pursuant to the Standing Orders.

**11. HOUSE ROSE** - at nine minutes past One O'clock

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**M E M O R A N D U M**

The Speaker will take the Chair on,  
Wednesday, July 31, 2024 at 2.30 p.m.