

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

THIRD ASSEMBLY- THIRD SESSION (2024)

SECTORAL COMMITTEE ON ENVIRONMENT, ENERGY AND MINERALS
INVESTMENTS DEVELOPMENT

REPORT ON THE CONSIDERATION OF THE KITUI COUNTY RIVER BASINS
SAND UTILISATION AND CONSERVATION BILL, 2023

The Clerk's Chamber,
County Assembly of Kitui,
Assembly Buildings,
Kitui, Kenya

FEBRUARY, 2024

CHAIRPERSON'S FOREWORD

This report contains the proceedings of the sectoral committee on Environment, Energy and Minerals Investments Development on its consideration of the Kitui County River Basins Sand Utilization and Conservation Bill, 2023 (County Assembly Bill No. 6 of 2023). The Bill was published pursuant to the provisions of Standing Order No. 116.

Upon being published, the Bill underwent First Reading on 25th October, 2023 in accordance with Standing Order 119 and was subsequently referred to the sectoral Committee on Environment, Energy and Minerals Investments Development for thorough consideration and reporting to the House.

In exercise of the provisions of Article 196 of the Constitution as read together with Standing Order 120 (3), the committee issued an advertisement in the Star Newspaper on 27th October, 2023. This announcement invited the public to participate in public participation forums scheduled for 7th and 9th November, 2023, at eight designated centers within the County. The advertisement also urged the public and stakeholders to submit any memoranda on the Bill via written statements to the office of the Clerk of Assembly by 10th November, 2023.

Thereafter, the Committee retreated to prepare its report from 20th to 26th November, 2023, taking into account the views of the public and the relevant stakeholders in accordance with the provisions of Standing Order 120(3). The committee was however unable to complete its report at that time since several contentious and sensitive issues arose requiring further intensive consultations between the County Assembly, County Executive and the Kitui County Sand Harvesting and Management Taskforce, 2023.

Thereafter, His Excellency the Governor, Dr. Julius Malombe, invited the County Assembly and the Sand Harvesting and Management Taskforce, 2023 to a consultative meeting from 6th to 8th February 2024 to discuss and resolve all the pending contentious issues on the Bill.

The committee then retreated to finalise its report from 22nd to 24th February, 2024.

On behalf of the Committee on Environment, Energy and Minerals Investments Development and pursuant to the provisions of Standing Order No. 179 (6), I hereby present the committee's report on consideration of the Kitui County River Basins Sand Utilization and Conservation Bill, 2023 (County Assembly Bill No. 6 of 2023).

The Committee expresses gratitude to the Honourable Speaker for the invaluable support received throughout this process.

The Committee also thanks the office of the Clerk of Assembly for the technical and logistical support offered to it since the submission of the Bill.

Finally, I extend appreciation to the Honourable members of this Committee for their valuable contribution, support and commitment during the consideration of the Bill.

Dastoka

for

**HON. DANIEL KIMANZI MUANGE,
CHAIRPERSON, COMMITTEE ON ENVIRONMENT, ENERGY AND
MINERALS INVESTMENTS DEVELOPMENT
COUNTY ASSEMBLY OF KITUI**

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ABBREVIATIONS

CECM – County Executive Member

C.O – Chief Officer

EMCA – Environmental Management and Coordination Act

EMP – Environmental Management Plans

EIA – Environmental Impact Assessment

LC – Local Commercial

LD - Local Domestic

NLC – Non - Local Commercial

PLWD – People Living with Disabilities

SRC - Salaries and Remuneration Commission

EXECUTIVE SUMMARY

The Kitui County River Basins Sand Utilization and Conservation Bill, 2023 (County Assembly Bill No. 6 of 2023), is a Bill for an Act of the County Assembly of Kitui to regulate sand utilization and conservation in the county while ensuring sustainable exploitation of sand resources, environmental conservation and equitable sharing of accruing benefits. The Bill is sponsored by Hon. Daniel Kimanzi Muange in his capacity as the chairperson, committee on Environment, Energy and Minerals Investments Development.

The Bill was first submitted to the County Assembly as a legislative proposal on 17th July 2023 and underwent pre-publication scrutiny by the office of the Clerk before being published in the Kenya Gazette.

The Bill was read for the first time on 25th October, 2023 and subsequently committed to the Committee on Environment, Energy and Minerals Investments Development to undertake public participation and thereafter prepare a report on its consideration.

From the Memorandum of Objects and Reasons, the principal object of the Bill is to regulate sand harvesting and management activities in Kitui County and to ensure sustainable utilization of land resources and equitable sharing of the accruing benefits to communities.

The Bill requires that sand dealers be registered and licensed. It also establishes the institutional and legal framework and provides for the involvement of communities in regulating the sand value chain.

Further, the Bill provides a framework for enforcement of matters pertaining to sand harvesting and management in Kitui County. It spells

out the offences and penalties for non-compliance with the provisions of the Bill.

The committee conducted public participation forums on 7th and 9th November, 2023 in eight centres within the eight sub- counties.

In considering the Bill, the committee took account of the views of the public and stakeholders involved in the sand value chain. The committee recommends that the House adopts this report on the Bill together with the proposed amendments.

CHAPTER 1

1.1 PREFACE

1.1.1 Committee Mandate

The Committee's mandate, functions and roles are as stipulated in the County Assembly Standing Orders No. 190 (4) and (5) and as contained in the Second Schedule of the same that outlines the subject areas for the sectoral committees.

The County Assembly Standing Order No. 190 (5) (c) mandates the Committee to study and review all County legislation referred to it.

The Second Schedule of the Standing Orders mandates the Committee to implement national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising, energy regulation, facilitate private sector participation, support distribution and provision of affordable rural electrification, sustainable renewable energy and creating awareness on issues relating to mining.

1.1.2 Committee Membership

As currently constituted, the Committee comprises of the following members;

- | | |
|-----------------------------------|------------------|
| 1. Hon. Daniel Kimanzi Muange | Chairperson |
| 2. Hon. Rose Kasyoka Kathoka | Vice Chairperson |
| 3. Hon. Jeremiah Musee Mutua | Member |
| 4. Hon. David Masaku Munyau | Member |
| 5. Hon. Dominic Isumail Mwamisi | Member |
| 6. Hon. Benard Mwangangi Munyasya | Member |
| 7. Hon. Anthony Musyimi Musyoka | Member |

8. Hon. Cornelius Ngumbau Muthami	Member
9. Hon. Fastina Mwendu Solomon	Member
10. Hon. Charity Syomiti Mwangangi	Member
11. Hon. Deborah Katungwa Mutuku	Member

1.1.3 Committee Secretariat

The committee was facilitated by the following secretariat;

1. Esther Mwele - First Clerk Assistant
2. Ruth Mulumba - First Clerk Assistant
3. David Manzi - Second Clerk Assistant

CHAPTER 2

2.1 BACKGROUND INFORMATION

The Kitui County River Basins Sand Utilization and Conservation Bill, 2023 (County Assembly Bill No. 6 of 2023) was published on 25th October, 2023. It underwent First Reading upon approval of a motion to reduce the publication period under Standing Order 116.

Thereafter, the Bill stood committed to the committee on Environment, Energy and Minerals Investments Development without question put in order for the committee to facilitate public participation, consider and prepare a report on the Bill for tabling before the County Assembly.

The committee organized a consultative meeting with the County Executive, the taskforce and all the Honourable Members in Mwingi from 31st October to 3rd November, 2023. The Honourable Members were taken through the contents of the Bill and the spirit behind each clause.

Thereafter, the committee undertook public participation on the Bill in eight centres across the eight sub counties on 7th and 9th November, 2023 and thereafter proceeded to prepare this report from 20th -26th November, 2023.

However, the committee was unable to finalise its report at that time since several contentious and sensitive issues arose requiring further intensive consultations between the County Assembly, County Executive and the Kitui County Sand Harvesting and Management Taskforce, 2023.

His Excellency the Governor, Dr. Julius Malombe, invited the County Assembly and the Sand Harvesting and Management Taskforce, 2023 to a consultative meeting in Mutomo from 6th to 8th February 2024 to discuss and resolve all the pending contentious issues on the Bill.

The committee then retreated to finalise its report from 22nd to 24th February, 2024 which it now presents for adoption before this honourable House.

2.2 OVERVIEW OF THE KITUI COUNTY RIVER BASINS SAND UTILIZATION AND CONSERVATION BILL, 2023 (COUNTY ASSEMBLY BILL NO. 6 OF 2023).

PART I (Clause 1-3) provides for the preliminary matters including citation, definition of terms and objects and purpose.

Clause 1 provides for the citation of the Bill which is the Kitui County River Basins Sand Utilization and Conservation Act, 2023, and shall come into operation on such date as the County Executive Committee Member may by notice in the Kenya Gazette appoint.

Clause 2 provides for interpretation of the terms used.

Clause 3 provides for the objects and purpose of the Act which is to provide for a legislative framework for regulating sand utilization and conservation of river basins and streamlining sand management practices.

PART II (Clause 4-16) provides for the administration of the Kitui County River Basins, Sand Utilization and Conservation Act, 2023.

Clause 4 provides for establishment of the Kitui County River Basins Sand Utilization and Conservation Committee which shall be under a Directorate in the Ministry responsible for Natural and Mineral Resources.

Clause 5 provides for composition of the Kitui County River Basins Sand Utilization and Conservation Committee.

Clause 6 provides for functions of the Committee which shall include vetting, approval and giving recommendations for consideration, in writing, to the licensing authority on granting, rejection, renewal, revocation and transfer of licenses.

Clause 7 provides for promotion of sustainable sand utilization and conservation by ensuring rehabilitation of degraded river through

construction of sand dams and gabions and tree growing along the river banks.

Clause 8 provides for powers of the committee which include powers to vet and recommend for licensing and registration of all person(s)/ institutions/ vessels/ premises to engage in the sand value chain and maintaining such registers as may be necessary.

Clause 9 provides that remuneration, fees or allowances of Committee members shall be determined by the CECM responsible for Natural and Mineral Resources on the advice of the Salaries and Remuneration Commission (SRC).

Clause 10 provides for staffing of the Committee. The CECM may in consultation with County Governor, from time to time request the County Public Service Board to second such number of staff to assist the Committee perform its functions under this Act.

Clause 11 provides that a member, officer, employee or agent of the Committee shall not be held personally liable for any action, claim or demand for a matter or thing done bona fide for the purpose of executing the functions, powers or duties of the Committee.

Clause 12 provides for establishment of the River Basin Based Cooperative Societies. Membership of the co-operatives shall be derived from the members of Site Based Community (Sand) Groups within a specific River Basin.

Clause 13 of the Bill provides for general meetings during which members shall deliberate on agendas necessary for the conduct of the co-operative society's business.

Clause 14 provides for Membership, Powers and Functions of River Basin Based Cooperative Societies. The Societies shall have the power to perform functions

assigned by the Kitui County River Basins Sand Utilization and Conservation Committee for the furtherance of this Act

Clause 15 provides for Establishment of Site Based Community (Sand) Groups comprising of community members involved in the sand value chain at the local level.

Clause 16 provides for the establishment of interim River Basin Based Caretaker Committees which shall be in force prior to the formation of the River Basin Based Cooperative Societies and whose membership shall be 1 youth, 1 male and 1 female from each ward.

PART III (Clause 17-18) provides for Enforcement and Compliance of the Bill.

Clause 17 provides for the establishment of an enforcement team that shall comprise of qualified person(s) recruited through the County Public Service Board.

Clause 18 provides for powers of the enforcement team which are to search, seize goods or demand from any person the production of an authority or license for any act done or committed by that person in the County in relation to sand harvesting.

The confiscated vessel and or materials shall be detained in any authorized premises within the County.

PART IV (Clause 19-23) provides for Sand harvesting requirements that includes sand harvesting sites, riverbed sand harvesting, hours of sand harvesting, transportation of sand, sale and cess collection.

Clause 19 provides for the gazettelement of sand harvesting sites and aggregation yards on the recommendation by the River Basin Based Cooperative Societies.

Clause 20 provides for the conditions to be met before carrying out on-farm, riverbed and dam site sand harvesting.

Clause 21 provides for the conditions for Riverbed sand harvesting. It states that sand harvesting from any river bed should be undertaken in a manner that retains an adequate reserve of the sand so as to ensure water retention. Sand harvesting shall be taken from the designated harvesting sites through controlled access points.

Clause 22 provides for the hours of sand harvesting and transportation which shall be between 6 a.m. to 6p.m. Any person who contravenes this section commits an offence and is liable upon conviction to a fine or imprisonment or both.

Clause 23 provides for sale of sand and cess collection and classifies sale of sand into 3 categories;

- (a) Non-Local Commercial (NLC) use
- (b) Local Commercial (LC) use
- (c) Local Domestic (LD) use

Any person who contravenes this section commits an offence.

PART V (clause 24-35) provides for the licensing provisions.

Clause 24 provides for the mandatory possession of a valid license for any person desiring to harvest sand within the county for sale failure to which they attract a fine or imprisonment or both. It further revokes all licenses previously issued before the enactment of the Act.

Clause 25 provides for the licensing of sand dealers and transporters. It also prohibits issuance of licenses for harvesting sand in ecologically fragile areas, wetlands, estuaries, reefs and any other areas prohibited by law.

Clause 26 provides that application for issuance of licenses shall be in the prescribed form unless the CECM requires additional information to accompany the application.

Clause 27 provides that the Committee shall within 14 days vet each application for a license and make recommendations to the CECM on whether to issue a license or not. The CECM shall inform in writing any unsuccessful applicant the reasons for non-issuance of a license.

Clause 28 provides that a license shall be issued subject to the laid down conditions and for the category or categories of business activity specified in the license.

Clause 29 provides that a license shall be in such a form as the Committee may from time to time prescribe.

Clause 30 provides that the prescribed fees and rates for application of licenses shall be payable to the County Treasury account.

Clause 31 provides that a license issued under this Act shall not be transferable.

Clause 32 provides that a license may be altered upon written application to the CECM.

Clause 33 provides that an issued license may be cancelled or suspended on the recommendation of the committee if the application contained false statements or material misrepresentation. The committee also has the discretion to reinstate the license.

Clause 34 provides that any licensee aggrieved by the decision of the committee may appeal to the CECM within 14 days.

Clause 35 provides that county enforcement officers may where necessary demand the production of licenses from business owners.

Clause 36 provides that the County Government shall be guided by the Finance Act in force in collecting revenue resulting from the sand value chain. 50% of the revenue collected by the cooperatives shall be used for conservation of sand harvesting sites, 30% will be utilized as dividends for the co-operative society members while the remaining 20% shall be utilized for corporate social responsibility within the community.

Clause 37 provides that the County Government may mount barriers to enforce the payment of revenue and confirm the possession of valid sand transportation licenses. Every transporter who fails to produce a license as required shall be accorded 12 hours to produce it failure to which they are liable to a fine or imprisonment or both.

Clause 38 provides that authorized officers may at any reasonable time enter premises or vehicles to carry out inspection for the purpose of enforcement of the Act. Any person obstructing the authorized officers from undertaking their functions shall be liable to an offence.

Clause 39 provides that authorized officers carrying out duties in their official capacity may not be held personally liable for any action, claim or demand.

Clause 40 provides that co-operative societies shall use alternative dispute resolution mechanisms in resolving disputes amongst members.

Clause 41 provides that the co-operative societies shall facilitate and monitor the rehabilitation of the specific sand harvesting sites and the adjacent environment. Every licensee shall be required to prepare and submit a rehabilitation plan for designated sand harvesting areas.

Clause 42 provides that any person contravening this Act for which no penalty is provided for shall on conviction be liable to a fine of not less than Kshs 200,000 or an imprisonment term of not less than 3 years or both.

Clause 43 provides that the Committee shall make regulations for the better carrying out of the Act.

CHAPTER 3

3.1 PUBLIC PARTICIPATION

3.1.1 Legal Framework on Public Participation

The concept of public participation is enshrined in the Constitution under Article 174(c). It provides that one of the objects of devolution is to enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them.

Further Article 196 (1) (b) provides that the County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its committees.

This concept is based on the foundation that the people of Kenya have sovereign power which is expressly provided for under Article 1 (1) of the Constitution.

In exercise of the provisions of Article 196 as read together with Standing Order 120 (3), the committee placed an advert in the Star Newspaper (Annex 2) on 27th October, 2023 inviting the public to attend the public participation forums to be held in 8(eight) centers within the County on 7th and 9th November, 2023. The members of the public came out in large numbers to give their views on the Bill. The views were captured in the Hansard and also written down by the County Assembly secretariat present.

3.1.2 Stakeholders' Memoranda on the Bill

The advert also invited the public and stakeholders to submit their memoranda on the Bill, if any, by way of written statements, to the office of the Clerk of Assembly by 10th November, 2023.

By the deadline set for submission of the memoranda and at the conclusion of preparation of this report, the committee had not received any memoranda from the office of the Clerk of Assembly.

3.1.3 Public Participation Reports

The following are the key observations and recommendations collected from the members of the public in the eight sub counties;

A. Kitui South Sub-County (Mutomo Chiefs Camp-Mutomo Town)

- i. Harvesting and sale of sand should not be restricted to the proposed 6a.m to 6p.m. It should be left open to allow people operate for 24 hours at the convenience of the stakeholders.
- ii. Setting up sand aggregation yards will add an extra cost to the transporters and co-operatives due to the loading at the harvesting sites and off loading at the aggregation yards. Transporters should be allowed to collect the sand at the harvesting sites.
- iii. Establishing the Kitui County River Basins Sand Utilization committee is unnecessary and misuse of public funds as it consists of 14 members and they have to be well remunerated and given allowances. The remuneration they are to be awarded can be channeled to other more important needs like education and the health sector. The concerned Ministry of Environment and Natural Resources should perform the roles and functions proposed to be performed by the Committee.
- iv. The Committee has been given too much power which can in turn be misused through corruption.
- v. The County Government should continue issuing licenses as they have always done instead of giving this role to the Committee.
- vi. The proposed functions of the proposed inspection team are already been conducted by the existing revenue officers at the time

- points/barriers. There's no need to employ more enforcement officers as it further increases the ballooning wage Bill.
- vii. People should not be prohibited from stocking sand in their homes as long as they have purchased it through the right procedure.
 - viii. Prices of selling sand per tonne should be reduced so as to attract traders to purchase our sand.

B. Kitui Central Sub-County (Kitui Multi-Purpose Hall)

- i. There was a proposal to establish penalties for any authorized officers/staff colluding in contravening the provisions of the Act.
- ii. The Non-Executive chairperson proposed to chair the sand utilization committee should be appointed by the governor with approval by the County Assembly. The Committee should also have a designated vice chairperson from amongst its members.
- iii. The Special interest groups mentioned in clause 5 should be defined for clarity.
- iv. In order to encourage oversight by the County Assembly, the committee should prepare and submit quarterly reports to the County Assembly for consideration.
- v. Minimum membership of sand groups should be 10 Members and not the proposed 20 members.
- vi. The requirement that members of the Interim River Basin Based Co-Operative Caretaker Committees should be residents of the particular area for not less than 6 years should be reduced to read 5 years prior to nomination date to River Basin Based Caretaker Committee Members.
- vii. It was proposed that harvesting of sand should not exceed 1/2 Meters. The proposed 1-meter depth was not environmentally ideal.

- viii. Operation hours for sand harvesting and sale should be changed from the proposed 6a.m. - 6p.m. to 7a.m. - 5p.m.
- ix. The proposal that the decision by the committee on any appeal of an aggrieved licensee is final should be removed. Aggrieved licensees should be allowed to file further appeals with the Courts.
- x. The County Public Service Board should employ enforcement officers from each ward so as to ensure regional balancing.
- xi. The proposal to pay 30% of the benefits collected by the co-operatives as dividends should be amended to 45%. 30% is too minimal.
- xii. The County Government should conduct geospatial studies before recommending the sand harvesting sites.

C. Kitui East Sub-County (Zombe A.I.C Church-Zombe Town)

- i. The proposal to establish designated sand transport routes should be abolished since the transporter should be at liberty to choose the shortest convenient route.
- ii. The Bill should name all rivers that form part of each basin so as to leave no room for speculation.

D. Kitui West Sub-County (Kauwi AIC Church-Kabati Town)

- i. The proposal to establish the River Basins Sand Utilization and Conservation Committee and relevant clauses on the same should be abolished. The ministry of Environment should take up their proposed roles.
- ii. The proposal to establish the River Basin Based Cooperative Societies and relevant clauses on the same should be abolished.

- iii. The proposal to establish the Site Based Community (sand) Groups should be abolished and instead the Bill should establish Community Based Organizations comprising of 20-50 people in their place.
- iv. The proposal to establish interim River Basin Based Caretaker Committees should be abolished.
- v. The restriction on time for sand harvesting and transportation proposed for 6a.m. to 6p.m should be abolished. Harvesting and sale of sand should be left to operate for 24 hours.
- vi. Fines for harvesting and selling sand beyond the proposed timelines should be reduced from Kshs. 500,000 to 100,000 and reduce the jail term from three years to one month.
- vii. Penalties for failure to obtain a valid license should be reduced from a fine of Kshs. 200,000 to 100,000 and reduce the jail term from two years to one month

E. Mwingi North Sub-County (Kyuso Market Shed-Kyuso Town)

- i. Some members of the public suggested extending the trading hours for sale of sand from the proposed 6 a.m. to 6 p.m. to 24 hours. This change, they argued, would foster more employment opportunities and encourage businesses to thrive.
- ii. Concerns were raised about the need to safeguard agricultural land and water resources. Suggestions were made to incorporate provisions in the Bill to protect these vital resources, essential for local livelihoods.
- iii. A proposal was made to establish a clear revenue collection and benefit sharing formula, so as to benefit the entire community.
- iv. Members of the public highlighted the importance of including provisions in the Bill that advocate for conservation of sand harvesting sites.

- v. There were appeals for public awareness campaigns and educational programs targeting communities near river basins so as to raise awareness on the importance of conservation.

F. Kitui Rural Sub-County (Kiusyani A.C.K Church – Kiusyani Town)

- i. It was proposed that harvesting of sand from the riverbed should not exceed one metre in depth.
- ii. It was proposed that Tiva River Basin is extremely vast and thus to effectively coordinate the functions of overseeing, regulating and monitoring of sand harvesting activities within the basin, there is need to divide the basin into two;
 - Upper Tiva River Basin
 - Lower Tiva River Basin.
- iii. It was proposed that the sale of sand per tonne should be increased from Kshs. 1500 to kshs. 2000 so as to generate more revenue to the County.
- iv. It was proposed that the Kitui County River Basins Sand Utilization and Conservation Committee should in addition to the listed functions, formulate and undertake research on effective and sound sand value addition initiatives and its commercial uses.
- v. It was proposed that there should be clear and set qualifications for the position of a Non-Executive Chairperson in order to avoid cases of any forthcoming Governors from appointing incompetent or politically connected persons who lack knowledge in sand value chain management.
- vi. It was proposed that the River Basin Based Cooperative Societies be replaced with Community Based Organizations.

- vii. It was proposed that upon enactment of the Act and before formation of any sand harvesting groups, the County Government should first gazette riparian zones and sand harvesting sites.
- viii. It was proposed that any sand sold under the category of local domestic use that is above eighteen (18) tonnes should be levied.
- ix. It was proposed that there should be a provision to hold the River Basin Based Sand Utilization Committee liable in case of their misconduct or any attempt to interfere with the implementation of this Act.
- x. It was proposed that before sand harvesting legally begins, all the five (5) river basins should first have sand dams to ensure conservation.

G. Mwingi Central Sub-County (Mwingi Resource Centre - Mwingi Town)

- i. The Kitui County River Basins Sand Utilization and Conservation Committee should be abolished and its role as provided for in the Bill be undertaken by the CECM Environment, and Natural Resources.
- ii. The aspect of establishing Cooperative as provided in the Bill should be as well expunged in entirety and the same be replaced with community groups whose members shall be the loaders, transporters and the site land owners.
- iii. Sand harvesting should not be limited by time as we are gearing towards embracing the twenty-four (24) hour economic system.
- iv. Payments of revenue from sand harvesting should be made through the bank.
- v. Charges for issuance of license for sand harvesting and transportation should be capped at KShs. 5,000 per annum.

H. Mwingi West Sub-County Headquarters (Migwani Tsc Hall)

- i. It was proposed that the Ministry of Environment needs to develop a scannable receipt booklet that will be issued by the River Basins Caretakers Committee. This will help identify the Source/Aggregation Center the lorry is coming from in case its intercepted by authorities during transportation.
- ii. There was a proposal to establish cottage industries within the aggregation sites so as to increase the value of Sand. The sand can be sieved well and packaged in special bags and sold as first-class sand.
- iii. The proposed sand utilization Committee should work hand in hand with the Ministry of Finance and Economic Planning to train the existing revenue clerks instead of employing more enforcement officers which increases the wage bill.
- iv. The County Ministry of Energy, Environment, Climate Change, Forestry, Natural and Mineral Resources should involve the Water Resources Managing Authority as a relevant stake holder in the implementation of the Act.
- v. The County Ministry of Energy, Environment, Climate Change, Forestry, Natural and Mineral Resources should undertake civic awareness so as to educate the transporters and land owners near the harvesting sites on their rights and responsibilities. This will ensure smooth implementation of the Bill.
- vi. The proposal that any registration, licenses and permits issued to any actors before the enactment of the Bill comes in force shall be considered invalid should be removed. All existing licenses should be allowed to be operational until they expire.

Committee Meetings.

Upon conclusion of the public participation exercise, the committee held a total of 26 meetings to consider and prepare a report on the Bill.

During the preparation of its report, the committee took into account the views of the public and the stakeholders in the sand value chain.

CHAPTER 4

4.1 COMMITTEE'S OBSERVATIONS

The committee while considering the Bill, made the following observations;

- i. The Bill is founded on the Kitui County River Basins Sand Utilization and Conservation policy, 2023.
- ii. The Bill can address the fierce controversy and mischief surrounding the harvesting and sale of sand within Kitui County by creating a regulatory framework of how sand shall be harvested and sold.
- iii. The Bill as drafted does not provide for the involvement of the County Assembly in the sand value chain.
- iv. The Bill establishes the key position of a Non-Executive Chairperson being the chairperson of the Kitui County River Basins Sand Utilization and Conservation Committee but does not lay down the qualifications for one to be suitable for appointment to that position.
- v. The Bill does not also provide for instances where a vacancy may arise in the composition of the Kitui County River Basins Sand Utilization and Conservation Committee.
- vi. Clause 6 (2)(m) of the Bill makes reference to guidelines that have not been referred to before in the entire Bill. Further the paragraph directs the Cooperative Societies to submit periodic reports to the Sand Utilisation and Conservation Committee yet the Cooperatives Societies Act which establishes the said Cooperative societies, does not obligate them to submit any reports.
- vii. Clause 6 (2) (n) of the Bill mandates the Sand Utilisation and Conservation Committee to prepare and submit quarterly, semi-annual and annual status reports to the CECM but it does not provide for a schedule guiding the format for drafting the status reports.

- viii. In the naming of Site Based Community Sand Groups, the word 'sand' has been enclosed in brackets which is contrary to the legislative drafting style.
- ix. The clauses in the Bill outlining the fines and sentences to be meted out to individuals found to be in contravention of any sections of the Bill need to be redrafted to avoid ambiguity in the severity of the penalties.
- x. The Bill gives the responsibility of formulation of regulations to the Kitui County River Basins Sand Utilization and Conservation Committee yet formulation of regulations is a preserve of the relevant County Executive Committee Member.
- xi. Clause 27 makes reference to applications made under section 21 and 22 yet these sections are not related to the context of Clause 27. They appear to be misplaced.
- xii. Some of the head notes for some clauses are not related to the context of the subject matter of the particular clauses.
- xiii. The Committee observed that the Bill as drafted contains numerous typographical and syntax errors such as the multiple use of abbreviations for terms rather than using the correct terms as contained in the interpretation clause and also erroneous quoting of titles/names.

CHAPTER 5

5.1 COMMITTEE'S RECOMMENDATIONS

In light of the views collected from the public during public participation, deliberations during stakeholder engagements and the Committee discussions on the Bill, the Committee recommends **THAT**;

1. The numerical, typographical and syntax errors appearing in the Bill be corrected in line with the provisions of Standing Order 135 (2) which allows for correction of formal errors or oversights.
2. The House approves the committee's report and that the Bill proceeds for Second reading.
3. The committee also recommends that the House approves the Bill with amendments as follows;-

A. Clauses without amendments

THAT Clause, 1,3,8,9,10,11,13,14,17,19,20,21,29,30,31,35,40 and 41 as printed be part of the Bill.

B. Clauses with Amendments

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

- a) Deleting in its entirety the title of the head note 'definition of terms' and substituting it therefor with the following new head note 'Interpretation'.
- b) Deleting in its entirety the definition of County Executive committee member and substituting it therefor with the following new definition;

'County Executive Member' means — County Executive Committee Member serving in the ministry in charge of Natural and Mineral Resources

appointed by the County Governor as cited under Article 179(2)(b) of the Constitution of Kenya, 2010’

c)Deleting in its entirety the definition of ‘Kitui County River Basins Sand Utilization and Conservation Committee’.

d)Deleting in its entirety the definition of ‘RBBCS Committee’ and substituting it therefor with the following new definition;

‘Cooperative Societies Committee’ means— the River Basin Based Cooperative Society Committee

e)Inserting a new definition;

‘River Basin’ means - the five river basins within the county consisting of Nziitu-Katse River Basin; comprising rivers; Nziitu, Konyu, Katse and all other rivers and streams draining in the same direction, Enziu River Basin; comprising rivers; Enziu, Mwanja, Mui and all other rivers and streams draining in the same direction, Tyaa River Basin; comprising rivers; Tyaa, Kamuwongo, Nguutani and all other rivers and streams draining in the same direction, Thua River Basin; comprising rivers; Thua, Ikoo, Ngunga and all other rivers and streams draining in the same direction, Tiva River Basin; comprising rivers; Tiva, Nzeeu, Mwitasyano and all other rivers and streams draining in the same direction

f)Arranging the definitions in their proper alphabetical order.

Justification;

The Kitui County River Basins Sand Utilization Committee is already defined under the interpretation of the term (Committee). Therefore, there is no need to repeat its definition and it has been deleted.

The five river basins were not stipulated in the Bill yet they are key in the grouping of the Cooperative Societies.

Further, some of the terms in the Bill were abbreviated therefore they had to be deleted and substituted with the correct terms as per the interpretation clause.

CLAUSE 4

THAT Clause 4 be amended by deleting it in its entirety and substituting it therefor with the following new clause;

4. (1) There is established a Committee to be known as the Kitui County River Basins Sand Utilization and Conservation Committee which shall be under a Directorate in the Ministry responsible for Natural and Mineral Resources.

(2) The Committee shall report directly to the County Executive Member through the Directorate.

Justification;

As a general legislative drafting rule, if a section comprises more than one sentence, each sentence should be presented in a separate numbered subsection.

CLAUSE 5

THAT clause 5 of the Bill be amended;

a) In sub-clause (1)(d) by deleting the words 'of the special interest groups' appearing between the words 'representative' and 'within' and substituting therefor with the words 'nominated by an association representing Persons Living with Disability'.

b) By inserting a new sub-clause 2 as follows;

‘A person shall be eligible for appointment as the Non-Executive Chairperson of the Committee if that person;

- i. Possesses a university degree in a relevant field from a university recognized in Kenya;
- ii. Has knowledge and experience of at least 10 years in a relevant field;
- iii. Meets the requirements of Chapter 6 of the Constitution.

c)By inserting a new sub-clause 6 as follows;

(6)(a) ‘A vacancy in the positions under sub-clause (1) (a) (d) and (e) may arise where a member;

- i. Is adjudged bankrupt;
- ii. Resigns in writing to the appointing authority;
- iii. Is convicted of a crime and sentenced to imprisonment
- iv. Is unable to perform the functions of the office by reason of infirmity or prolonged illness;
- v. Is of unsound mind;
- vi. Dies;
- vii. Is absent from at least 5 consecutive meetings without any justifiable reason or without prior permission from the appointing authority.

d)By renumbering the sub-clauses to conform to the legislative drafting guidelines.

Justification:

The words ‘special interest groups’ is a general term referring to several marginalized groups. This amendment aims to specify the exact category

referred to, which is People Living with Disabilities (PLWD), who may not be represented in the nominations, unlike the other categories.

This amendment further seeks to introduce the criteria to be met for one to be qualified for appointment as the Non- Executive Chairperson.

This amendment also introduces the instances where a vacancy may arise in the committee and introduces an exit clause.

CLAUSE 6

THAT clause 6 be amended;

a) In paragraph (c) of sub-clause (1) by deleting the word ‘coordinate’ appearing at the beginning of the sentence and substituting it therefor with the word ‘monitor’.

b) In paragraph (b) of sub-clause 2 by deleting the words ‘the committee shall’ appearing at the beginning of the sentence.

c) In paragraph (c) of sub-clause (2) by inserting the word ‘intending’ between the words ‘premises’ and ‘to’.

d) In paragraph (i) of sub-clause 2 by deleting the word ‘arbitration’ and substituting it therefor with the word ‘resolution’

e) In paragraph (m) of sub-clause 2 by deleting the words ‘ the River Basin Based Cooperative Societies Guidelines’ appearing immediately after the word ‘in’ and substituting it therefor with the words ‘ their by-laws’.

f) By deleting paragraph (g) of sub-clause (3) in its entirety and substituting it with a new Sub- clause (4) as follows:

'(4)The members of Site Based Community Sand Groups formed in sub section (3)(d) above within a specific River Basin shall form membership of the River Basin Based Cooperative Societies'.

g)By inserting the following new sub-clause immediately after sub clause 6(4) as follows;

'The reports under clause 6(2)(n) shall be submitted to the County Assembly within fourteen (14) days upon submission to the County Executive Member'

h) By renumbering the sub-clauses to conform with the legislative drafting guidelines.

Justification:

The word 'monitor' is best suited in this context since it means to observe and review activities rather than 'coordinate' which means to take part in the actual organization of activities in order to achieve a certain goal, and this may be overwhelming to the Committee which already has numerous duties.

By directing the committee's reports be submitted to the County Assembly, it ensures that the County Assembly is updated on the committee's workings in exercise of its oversight role under Article 185(3) of the Constitution.

Arbitration refers to a specific type of dispute resolution whereas there are many other forms of dispute resolution.

CLAUSE 7

THAT clause 7 be amended by inserting it in its entirety and replacing it thereof with the following new clause;

7. (1) In consultation with the relevant lead agencies, the Committee shall;

- a) Promote the sustainable use of sand utilization resource in the County River Basins;
- b) Ensure rehabilitation of degraded river eco-systems through construction of sand dams and gabions, tree growing, cover grass, among other interventions;

Justification;

This amendment seeks to redraft the clause to provide clarity and conform with the legislative drafting guidelines.

CLAUSE 12

THAT clause 12 be amended in sub-clause (1) by deleting it in its entirety and substituting it therefor with the following new sub-clause;

‘There is established a Co-operative Society for each of the 5 River Basins to be known as the River Basin Based Co-operative Society, which shall be constituted, registered and regulated in accordance with the Co-operatives Societies Act as read together with Part 2 (7)(e) of the Fourth Schedule of the Constitution’.

Justification;

This amendment seeks to establish the co-operative societies, replace the wrongly quoted Articles of the Constitution and introduce the relevant statute which is the Cooperatives Societies Act.

CLAUSE 15

THAT clause 15 be amended:

- a) by inserting a new sub clause (2) as follows:

'A person shall qualify to be a member of the site-based community sand groups if;

- i. They have been resident of the respective catchment area for at least 6 years;
- ii. They are above 18 years of age;
- iii. They are not members of any other site-based community sand group.

b) By amending sub clause 5 by deleting the words 'Social Protection Regulation' appearing after the word "Act".

c) By renumbering the sub-clauses to conform to the legislative drafting guidelines.

Justification;

This amendment seeks to introduce the criteria to be met before one can become a member of the Site Based Community Sand Groups and further correct a typographical error.

CLAUSE 16

THAT clause 16 be amended;

a) By deleting the head note in its entirety and substituting it therefor with the following new head note;

'Establishment of the Interim River Basin Based Caretaker Committee'

b) In sub-clause (1) by deleting the words 'precursor to' appearing in the second sentence and substituting therefor with the words 'in force prior to the formation of'.

c) In sub-clause (2) by deleting the first and second lines and substituting it therefor with;

‘(2) The criteria for nomination of Interim River Basin Based Caretaker Committee Members shall be as follows-‘

- d) In paragraph (a) of sub-clause (2) by inserting the word ‘committee’ between the words ‘caretaker’ and ‘members’.
- e) In paragraph (c) of sub clause 3 by inserting the word ‘societies’ between the words ‘cooperatives’ and ‘with’.
- f) In paragraph (e) of sub clause 3 by deleting it in its entirety and substituting it therefor with the following new sub-clause;
‘Facilitate election of office bearers of the Site-Based Community Sand Groups, who shall comprise of;
 - i. Chairperson;
 - ii. Vice chairperson;
 - iii. Secretary;
 - iv. Vice-secretary;
 - v. Treasurer;
 - vi. Trustee/ Patron; and
 - vii. Three committee members elected by the group members observing the two -third gender rule’.
- g) In paragraph (g) of sub-clause 3 by deleting the words “section (iv)” and substituting them with the words (sub-section (3)(d)) appearing in the second line of the paragraph.
- h) by inserting a new sub-clause (4) as follows;

‘The interim River Basin Based Caretaker Committee shall be in office for a period of not more than six months or until formation of the Co-operative Society, whichever comes first.

- i) By renumbering the sub-clauses to conform to the legislative drafting guidelines

Justification;

This amendment seeks to reword the paragraph so as to ensure clarity and simplicity in the terms used and also rectify omissions and align the clause to the legislative drafting guidelines.

This amendment further seeks to introduce a term limit clause for the interim committee to avoid it existing indefinitely and also cure the lacuna that may be occasioned in case it is not possible to establish the Cooperative Societies on time. Further, the process of formation and registration of cooperatives may take long since there may be need to sensitize the public on the need for registering for the cooperatives. This sensitization may take a while

CLAUSE 18

THAT clause 18 be amended;

- a) In paragraph (b) of sub-clause (1) by deleting it in its entirety and substituting it therefor with the following new paragraph;

‘Require any person found in possession of sand suspected to have been harvested from any river basin within the County to give an account of the manner in which the sand was obtained, and, where the account given is not satisfactory, arrest and take such person before a Court of Law’.

- b) In paragraph (e) by deleting it in its entirety.

- c) In paragraph (f) by inserting the words ‘and detain them in any of the authorized premises within the county’ immediately after the word ‘bank’

d) In paragraph (g) by deleting it in its entirety and substituting it with a new sub-section (2) as follows;

‘(2) The provisions in sub-section (1) above shall comply with the provisions of Article 24 of the Constitution which provides that any limitation of a fundamental freedom or right must be explained as to its extent and be justified

Justification;

This amendment seeks to reword the paragraphs in the proper grammatical and numerical format.

CLAUSE 22

THAT Clause 22 be amended;

a) In paragraph (a) by inserting the words ‘within Kitui County’ between the words ‘sand’ and ‘between’.

b) By deleting paragraph (b) in its entirety and substituting it therefor with the following new paragraph;

‘Transport sand within Kitui County between the hours of 8 p.m. to 6 a.m.’

j) In sub-clause (3) by deleting all the words appearing immediately after the word ‘fine’ and substituting therefor with the words ‘not exceeding one million Kenya Shillings or to an imprisonment term not exceeding one year or both’.

Justification;

This amendment seeks to align this clause with the National Sand Harvesting Guidelines, 2007.

Further, this amendment seeks to replace the minimum punishment quoted with a maximum punishment so as to introduce a capping in order to avoid excessive punishments being meted out.

CLAUSE 23

THAT clause 23 be amended in sub-clause (4) by deleting all the words appearing immediately after the word 'contravene' and substituting it therefor with the words 'sub section 3 above commits an offense and is liable upon conviction to a fine not exceeding one million Kenya shillings or to an imprisonment term not exceeding one year or to both'.

Justification;

Punishment proposed owing to the gravity of the offence.

CLAUSE 24

THAT clause 24 be amended in sub clause (d) by deleting all the words appearing immediately after the word 'fine' and substituting it therefor with the words 'not exceeding two million Kenya shillings or to an imprisonment term not exceeding two years or to both'.

Justification

Punishment proposed owing to the gravity of the offence.

CLAUSE 25

THAT clause 25 be amended in sub-clause 5 by deleting all the words appearing immediately after the word 'fine' and substituting it therefor with the words 'not exceeding two million Kenya shillings or to an imprisonment term not exceeding two years or to both'.

Justification

Punishment proposed owing to the gravity of the offence.

CLAUSE 26

THAT Clause 26 be amended by deleting the head note 'delegation of powers' in its entirety and substituting it therefore with the following new headnote;

'Form of Application'

Justification;

The head note as previously titled was not related to the subject matter of Clause 26.

CLAUSE 27

THAT Clause 27 be amended in sub section 1 by deleting the words 'made under section 21 and 22' appearing between the words 'application' and 'recommend' and substituting therefor with the words 'for license under this Act and'

Justification

The Section 21 and 22 referred to does not relate to the context of the subject matter in Clause 27 and is therefore misplaced.

CLAUSE 28

THAT Clause 28 be amended by deleting the head note in its entirety and substituting it therefor with the following new head note;

'Issuance of Licenses'

Justification:

The Clause had two head notes which were not in any way related to the subject matter of the Clause.

CLAUSE 32

That clause 32 be amended in sub-clause 3 by deleting all the words appearing immediately after the word 'conviction' and substituting it therefor with the words 'to a fine not exceeding two million Kenya shillings or to an imprisonment term not exceeding two years or to both'.

Justification

Punishment proposed owing to the gravity of the offence.

CLAUSE 33

THAT clause 33 be amended in paragraph (c) of sub-clause (2) by deleting the words 'in the regulations.

Justification;

The words deleted were misplaced.

CLAUSE 34

THAT clause 34 be amended;

a) By deleting the head note ' Appeals of License' in its entirety and substituting it therefor with the following new head note;

' Right of Appeal'

b) in sub-clause (3) by deleting it in its entirety and substituting it therefor with the following new sub clause;

'(3) The County Executive Member shall review each application for appeal and make a decision within twenty-one days after receiving the request for the review'.

c) By inserting a new sub clause (4) as follows;

' A person aggrieved by the decision of the County Executive Member on the appeal in sub-section (3) above, may seek judicial review by the high court within 14 days from the date of the decision on the appeal, failure to which the decision of the County Executive Member shall be final and binding on both parties. '

Justification;

The committee cannot determine appeals for decisions that it made and thus it is the County Executive member who should consider the appeals.

Further, this amendment seeks to provide a second avenue of appeal at the courts of law.

CLAUSE 36

THAT clause 36 be amended;

a) in sub-clause (2) by deleting it in its entirety and substituting it therefor with the following new sub-clauses;

(2) 'The Cooperative societies shall aggregate sand and co-ordinate selling for Local Commercial Use and Non-Local Commercial Use.

(3) The Cooperative societies shall allocate the net income realized from the sale of sand as follows:

a) 50% of the net income for conservation activities;

- b) 30% of the net income as dividends to its members; and
- c) 20% of the net income for Corporate Social Responsibility activities.
- b) By renumbering the sub-clauses to conform to the legislative drafting guidelines.

Justification;

This amendment seeks to redraft the clause to adhere to the legal drafting rules.

CLAUSE 37

THAT clause 37 be amended;

- a) In sub-clause (1) by deleting the words 'for purposes of section 28' appearing at the beginning of the sentence before the words 'the County'.
- b) In sub-clause (3) by deleting the words 'a trader' appearing at the beginning of the sentence before the word 'transporting' and substituting it therefor with the words 'any person'.
- c) In sub-clause (4) by deleting it in its entirety and substituting it with the following new sub-clause;

'(4) Any person who contravenes this section commits an offence and shall be accorded 12 hours to produce the sand transportation documents failure to which they shall;

(a) Surrender the vessel and materials therein used in such activity to the authorized officers;

(b) If found guilty of the offence under this section;

- (i) be liable to a fine not exceeding one million Kenya Shillings or to an imprisonment term not exceeding two years or to both for the owner of the vessel
- (ii) be liable to a fine not exceeding fifty thousand Kenya Shillings or to an imprisonment term not exceeding two months or to both, for the person handling the seized vessel.

d) In paragraph (c) of sub clause 4 by deleting it in its entirety and substituting it therefor with the following new paragraph;

‘Upon conviction, be liable to a fine not exceeding one million Kenya shillings or to an imprisonment term not exceeding two years or to both where the person is the owner of vehicle’.

e) In paragraph (d) of sub clause 4 by deleting it in its entirety and substituting it therefor with the following new paragraph;

‘Upon conviction, be liable to a fine not exceeding Fifty Thousand Kenya shillings or to an imprisonment term not exceeding two months or to both for the person handling the seized vessel’.

Justification;

The ‘section 28’ quoted is not relevant to the particular clause.

This amendment further seeks to replace the minimum punishment quoted with a maximum punishment so as to introduce a capping in order to avoid excessive punishments being meted out.

CLAUSE 38

THAT Clause 38 be amended:

- a) In sub section (1) by deleting the word 'all' appearing between the words 'at' and 'reasonable' and substituting it therefor with the word 'any'.
- b) in sub-clause (2) by deleting all the words appearing immediately after the word 'conviction' and substituting it therefor with the words 'to a fine not exceeding five hundred thousand Kenya shillings or to an imprisonment term not exceeding one year or to both'.

Justification

Punishment proposed owing to the gravity of the offence.

CLAUSE 39

THAT Clause 39 be amended by;

- a) deleting the head note 'indemnity' in its entirety and substituting it therefore with 'indemnity from personal liability'.
- b) deleting it in its entirety and substituting it therefore with the following new clause'

'A person shall not be personally held liable in civil or criminal proceedings in respect of any act or omission done in good faith in the performance of their duties under this Act'.

Justification;

The paragraph was wrongly worded and thus had to be redrafted.

CLAUSE 42

THAT clause 42 be amended;

- a) by deleting the head note "Indemnity" in its entirety and substituting it therefor with the following new marginal note;

“General Penalty”

- b) by deleting all the words appearing immediately after the word ‘conviction’ and substituting it therefor with the words ‘to a fine not exceeding five hundred thousand Kenya shillings or to an imprisonment term not exceeding six months or to both’.

Justification

Punishment proposed owing to the gravity of the offence.

CLAUSE 43

THAT clause 43 be amended in sub-clause (1) by deleting the word ‘committee’ appearing in the first line and substituting it therefor with the words ‘County Executive Member’.

Justification;

It is the County Executive Member who is mandated by law to make regulations if any and not the committee as indicated.

THAT deleting all abbreviations quoted in the Bill and substitute them with the correct terms as indicated in the interpretation clause.

C. New Clauses

That the Bill be amended by inserting the following new Clause immediately after Clause 14

CLAUSE 15

15. (1) There is established an Ad-hoc Committee on Environment Protection, Conservation and Rehabilitation, for each river basin, set up and appointed by the Cooperative Societies Committee from the general membership of the River Basin Based Cooperative Societies.

(2) The functions of this committee shall be to;

- (a) Develop Site Based Environmental protection, conservation, and rehabilitation work plans.
- (b) Identify degraded riparian sites.
- (c) Identify measures for conservation and individuals/groups responsible for implementing the conservation measures with the group management to identify resources to facilitate rehabilitation.
- (d) Liaise with the group management to identify resources to facilitate rehabilitation.
- (e) Identify sites needing closure/opening to harvesting.
- (f) Implement plans/ work assigned in conjunction with the Basin Based Cooperatives.
- (g) Coordinate rehabilitation of degraded sites in conjunction with the management.
- (h) Generate an annual environmental management report to be shared at the Cooperatives Societies Annual General Meeting and with the Kitui County River Basins Sand Utilization and Conservation Committee.

Justification

This ad-hoc committee was provided for in the approved Kitui County River Basins Sand Utilization and Conservation Policy but was not provided for in the Bill. It plays a vital role in the conservation of the environment and thus it was important that it forms part of the provisions of the Bill.

CHAPTER 6

6.1 CONCLUSION

The committee urges the County executive to be effective in the implementation of the the Bill once approved by the House in order to streamline the sand value chain and also ensure that our environment is conserved and safeguarded.

SIGNED LIST OF MEMBERS OF THE COMMITTEE ON ENVIRONMENT, ENERGY AND MINERAL INVESTMENTS DEVELOPMENT CONFIRMING LEGITIMACY OF THE REPORT ON CONSIDERATION OF THE KITUI COUNTY RIVER BASINS SAND UTILIZATION AND CONSERVATION BILL, 2023.

We, Honourable members of the Committee on Environment, Energy, and Mineral Investments Development, do hereby affix our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity: -

MEMBERS	DESIGNATION	SIGNATURE
1. Hon. Daniel Kimanzi Muange	Chairperson	
2. Hon. Rose Kasyoka Kathoka	Vice Chairperson	
3. Hon. Jeremiah Musee Mutua	Member	
4. Hon. David Masaku Munyau	Member	
5. Hon. Dominic Isumail Mwamisi	Member	
6. Hon. Bernard Mwangangi Munyasya	Member	
7. Hon. Anthony Musyimi Musyoka	Member	
8. Hon. Cornelius Ngumbau Muthami	Member	
9. Hon Fastina Mwende Solomon	Member	
10. Hon. Charity S. Mwangangi	Member	
11. Hon. Deborah Katungwa Mutuku	Member	

