



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

VOTES AND PROCEEDINGS

THURSDAY, JULY 29, 2021 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **COMMUNICATION FROM THE CHAIR ON THE 7TH ANNUAL DEVOLUTION CONFERENCE TO BE HELD FROM 23RD – 26TH AUGUST, 2021, IN WOTE, MAKUENI COUNTY**

The Deputy Speaker conveyed the following Communication from the Chair-

“As you are aware, the Annual Devolution Conference is one of the pivotal events for the devolution space that enables stakeholders to evaluate the performance of national and county government institutions on policy, legislation, accountability, good governance, and service delivery among others. The Senate continues to be a critical stakeholder in this discourse and its participation in the conference cannot be gain-said.

The 7th Annual Devolution Conference is scheduled to be held from 23rd to 26th August, 2021 at the Makueni Boys High School in Wote, Makueni County. The theme of the conference is “*Multi – level Governance for Climate Action*” and the overall objective is to “*Strengthen Sub-national Governments to Act on Climate Change and Develop Stronger Mitigation Capacities*”. The upcoming Conference is particularly unique, in that it is the last annual conference. From here on the Devolution Conference will be held on a bi-annual basis from 2023.

As Co-chair of the National Steering Committee which coordinates the hosting of the event, I appointed Senators to the Steering Committee to assist in guiding and advising on the participation of the Senate in the conference. The Committee comprises of - Sen. Mutula Kilonzo Jrn., CBS, MP, the host Senator, Sen. Moses Kajwang, MP, Chairperson of the Standing Committee on Devolution and Intergovernmental Relations, Sen. Rose Nyamunga, MP, Member of the Speaker’s Panel, and Sen. Victor Prengei, MP. Activities of the

Committee are supported by an Organizing Committee comprising of thirteen members of staff.

The requisite arrangements to facilitate Senators' participation have been made. In view of the prevailing COVID-19 pandemic, allow me to reassure you that efforts have been made and discussions are also ongoing between the Steering Committee, the Ministry of Health and the national security organs to ensure that all delegates (including local service providers in Makueni) are safeguarded from possible infection. In this respect, I will convene a *Kamukunji* on Wednesday, 4th August, 2021, for a detailed brief on the conference, the COVID-19 measures put in place, and other logistical arrangements for participation of the Senate.

A number of Senators have been identified to represent the Senate in the Conference programme as either Session Chairs or Panelists and correspondence to this effect has been made in writing. I urge the identified Senators to cooperate with the Steering Committee and to closely work with the Secretariat to ensure the effective participation of the Senate.

In conclusion, I also urge all Honourable Senators to save these dates and plan to participate, in this important event in our devolution calendar. Senators may give their confirmation by signing a register, to be circulated from today, until Friday, 6th August, 2021.

I thank you.”

4. **PAPERS LAID**

The following Papers were laid on the Table of the Senate –

- i.) Report of the Standing Committee on Finance and Budget on the Prompt Payment Bill (Senate Bills No. 16 of 2021).

(Sen. Mutula Kilonzo Jnr., MP, on behalf of the Chairperson, Standing Committee on Finance and Budget)

- ii.) Report of the Standing Committee on Education on the Kenyan Sign Language Bill, Senate Bills No. 5 of 2021.

(Chairperson, Standing Committee on Education)

- iii.) Report of the Standing Committee on Labour and Social Welfare on the County Hall of Fame Bill, (Senate Bills No. 9 of 2021).

- iv.) Report of the Standing Committee on Labour and Social Welfare on an enquiry concerning a Statement raised by the Senator for Isiolo County

(Sen. Fatuma Dullo, MP) concerning dismissal of workers by the Ewaso Ng'iro North Development Authority.

(Chairperson, Standing Committee on Labour and Social Welfare)

- v.) Report of the Standing Committee on Health on the Special Audit Report on utilization of COVID-19 funds by county governments.

(Sen. Olekina Ledama, MP, on behalf of Chairperson, Standing Committee on Health)

- vi.) Statement on the Business of the Senate for the week commencing Tuesday, 3rd August, 2021.

(The Senate Majority Leader)

5. STATEMENTS

a) Pursuant to Standing Order 48 (1)

- i) The Senator for Bomet County (Sen. (Dr.) Christopher Langat, MP) sought a statement from the Standing Committee on Education concerning Ministry of Education policy on merging registration of centres for national examinations.
- ii) Nominated Senator (Sen. Rose Nyamunga, MP) sought a statement from the Standing Committee on Roads and Transportation concerning risks posed by floods along the Ayweyo and Kolunga sections of the Isebania-Kisii-Ahero (A1) road.
- iii) The Senator for Turkana County (Sen. (Prof.) Imana Malachy Charles Ekal, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the illegal construction, by residents of West Pokot County, at Kaakore in Turkana County.
- iv) The Senator for Narok County (Sen. Ledama Olekina, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign relations regarding the threat by the Cabinet Secretary for Interior and Coordination of National Government to forcefully evict pastoralists from parcels of land in Laikipia County.

b) Pursuant to Standing Order 52 (1)

The Senate Majority Leader issued a Statement on the Business of the Senate for the week commencing Tuesday, 3rd August, 2021.

6. THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 6 OF 2021)

Motion made and Question proposed;

THAT, the County Vocational Education and Training Bill (Senate Bills No. 6 of 2021) be now read a Second Time.

(Chairperson, Standing Committee on Education- 14.07.2021)

Debate interrupted on Thursday, 15th July, 2021 resumed on a Division;

The Deputy Speaker, directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Mercy Chebeni, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES - 27

NOES - 0

ABSTENTION – 0

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim –voted virtually
3. Sen. Boy Issa Juma- voted virtually
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana- voted virtually
6. Sen. Imana Malachy Charles Ekal
7. Sen. Mercy Chebeni - voted on behalf of Uasin Gishu County delegation
8. Sen. Khaniri George - voted virtually
9. Sen. Kibiru Charles Reubenson - voted virtually
10. Sen. Kimani Wamatangi Paul
11. Sen. Langat Christopher Andrew
12. Sen. Linturi Franklin Mithika
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Mahamud Mohamed Maalim
15. Sen. Mogeni Erick Okong'o

16. Sen. Murkomen Onesimus Kipchumba- voted virtually
17. Sen. Muthama Agnes Kavindu- voted virtually
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki- voted virtually
21. Sen. Nderitu John Kinyua
22. Sen. Ndwiga Peter Njeru
23. Sen. Olekina Ledama
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno - voted virtually
26. Sen. Sakaja Johnson Arthur
27. Sen. Wambua Enoch Kiio

Question agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

7. **THE BASIC EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2021)**

Motion made and Question proposed;

THAT, the Basic Education (Amendment) Bill (Senate Bills No. 4 of 2021) be now read a Second Time.

(Sen. Beatrice Kwamboka, MP- 21.07.2021)

Debate interrupted on Thursday, 22nd July, 2021 resumed on a Division;

The Deputy Speaker, directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Mercy Chebeni, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES - 27**NOES - 0****ABSTENTION - 0**

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim –voted virtually
3. Sen. Boy Issa Juma- voted virtually
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana- voted virtually
6. Sen. Imana Malachy Charles Ekal
7. Sen. Mercy Chebeni - voted on behalf of Uasin Gishu County delegation
8. Sen. Khaniri George - voted virtually
9. Sen. Kibiru Charles Reubenson - voted virtually
10. Sen. Kimani Wamatangi Paul
11. Sen. Langat Christopher Andrew
12. Sen. Linturi Franklin Mithika
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Mahamud Mohamed Maalim
15. Sen. Mogeni Erick Okong’o
16. Sen. Murkomen Onesimus Kipchumba- voted virtually
17. Sen. Muthama Agnes Kavindu- voted virtually
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki- voted virtually
21. Sen. Nderitu John Kinyua
22. Sen. Ndwiga Peter Njeru
23. Sen. Olekina Ledama
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno - voted virtually
26. Sen. Sakaja Johnson Arthur
27. Sen. Wambua Enoch Kiio

Question agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

8. THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 7 OF 2021)

Motion made and Question proposed;

THAT, the Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 7 of 2021) be now read a Second Time.

*(Chairperson, Standing Committee on Tourism, Trade and Industrialization-
22.07.2021)*

Debate interrupted on Thursday, 22nd July, 2021 resumed on a Division;

The Deputy Speaker, directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Divison bell be rung for five minutes;

After the expiry of the five minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were annouced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Mercy Chebeni, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES - 27

NOES - 0

ABSTENTION – 0

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim –voted virtually
3. Sen. Boy Issa Juma- voted virtually
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana- voted virtually
6. Sen. Imana Malachy Charles Ekal
7. Sen. Mercy Chebeni - voted on behalf of Uasin Gishu County delegation
8. Sen. Khaniri George - voted virtually
9. Sen. Kibiru Charles Reubenson - voted virtually
10. Sen. Kimani Wamatangi Paul
11. Sen. Langat Christopher Andrew
12. Sen. Linturi Franklin Mithika
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Mahamud Mohamed Maalim
15. Sen. Mogeni Erick Okong’o
16. Sen. Murkomen Onesimus Kipchumba- voted virtually
17. Sen. Muthama Agnes Kavindu- voted virtually
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki- voted virtually
21. Sen. Nderitu John Kinyua
22. Sen. Ndwiga Peter Njeru
23. Sen. Olekina Ledama
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno - voted virtually
26. Sen. Sakaja Johnson Arthur
27. Sen. Wambua Enoch Kiio

Question agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

9. **THE START-UP BILL (SENATE BILLS NO. 1 OF 2021)**

Motion made and Question proposed;

THAT, the Start-Up Bill (Senate Bills No. 1 of 2021) be now read a Second Time.

(Sen. Sakaja Johnson, MP – 22.07.2021)

Debate interrupted on Tuesday, 27th July, 2021 resumed on a Division;

The Deputy Speaker, directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Mercy Chebeni, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES - 27

NOES - 0

ABSTENTION - 0

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim –voted virtually
3. Sen. Boy Issa Juma- voted virtually
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana- voted virtually
6. Sen. Imana Malachy Charles Ekal
7. Sen. Mercy Chebeni - voted on behalf of Uasin Gishu County delegation
8. Sen. Khaniri George - voted virtually
9. Sen. Kibiru Charles Reubenson - voted virtually
10. Sen. Kimani Wamatangi Paul
11. Sen. Langat Christopher Andrew

12. Sen. Linturi Franklin Mithika
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Mahamud Mohamed Maalim
15. Sen. Mogeni Erick Okong'o
16. Sen. Murkomen Onesimus Kipchumba- voted virtually
17. Sen. Muthama Agnes Kavindu- voted virtually
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki- voted virtually
21. Sen. Nderitu John Kinyua
22. Sen. Ndwiga Peter Njeru
23. Sen. Olekina Ledama
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno - voted virtually
26. Sen. Sakaja Johnson Arthur
27. Sen. Wambua Enoch Kiio

Question agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

10. **THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 13 OF 2021)**

Motion made and Question proposed;

THAT, the Office of the County Printer Bill (Senate Bills No. 13 of 2021) be now read a Second Time.

(Sen. Petronila Were Lokorio, MP - 28.07.2021)

Debate interrupted on Wednesday, 28th July, 2021 resumed on a Division;

The Deputy Speaker, directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Mercy Chebeni, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES - 27

NOES - 0

ABSTENTION - 0

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim –voted virtually
3. Sen. Boy Issa Juma- voted virtually
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana- voted virtually
6. Sen. Imana Malachy Charles Ekal
7. Sen. Mercy Chebeni - voted on behalf of Uasin Gishu County delegation
8. Sen. Khaniri George - voted virtually
9. Sen. Kibiru Charles Reubenson - voted virtually
10. Sen. Kimani Wamatangi Paul
11. Sen. Langat Christopher Andrew
12. Sen. Linturi Franklin Mithika
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Mahamud Mohamed Maalim
15. Sen. Mogeni Erick Okong’o
16. Sen. Murkomen Onesimus Kipchumba- voted virtually
17. Sen. Muthama Agnes Kavindu- voted virtually
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki- voted virtually
21. Sen. Nderitu John Kinyua
22. Sen. Ndwiga Peter Njeru
23. Sen. Olekina Ledama
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno - voted virtually
26. Sen. Sakaja Johnson Arthur
27. Sen. Wambua Enoch Kiio

Question agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

11. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)**

Motion made and Question proposed;

THAT, the Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No. 31 of 2020) be now read a Second Time.

(Chairperson, Standing Committee on Finance and Budget – 28.07.2021)

Debate interrupted on Wednesday, 28th July, 2021 resumed on a Division;

The Deputy Speaker, directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Mercy Chebeni, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES - 27

NOES - 0

ABSTENTION - 0

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim –voted virtually
3. Sen. Boy Issa Juma- voted virtually
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana- voted virtually
6. Sen. Imana Malachy Charles Ekal
7. Sen. Mercy Chebeni - voted on behalf of Uasin Gishu County delegation
8. Sen. Khaniri George - voted virtually
9. Sen. Kibiru Charles Reubenson - voted virtually
10. Sen. Kimani Wamatangi Paul
11. Sen. Langat Christopher Andrew
12. Sen. Linturi Franklin Mithika
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Mahamud Mohamed Maalim
15. Sen. Mogeni Erick Okong’o
16. Sen. Murkomen Onesimus Kipchumba- voted virtually
17. Sen. Muthama Agnes Kavindu- voted virtually
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki- voted virtually
21. Sen. Nderitu John Kinyua
22. Sen. Ndwiga Peter Njeru
23. Sen. Olekina Ledama
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno - voted virtually

26. Sen. Sakaja Johnson Arthur

27. Sen. Wambua Enoch Kiio

Question agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

12. **THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILLS NO. 32 OF 2020)**

Motion made and Question proposed;

THAT, the County Licensing (Uniform Procedures) Bill (Senate Bills No. 32 of 2020) be now read a Second Time.

(Sen. Mercy Chebeni, MP – 28.07.2021)

Debate interrupted on Wednesday, 28th July, 2021 resumed on a Division;

The Deputy Speaker, directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines issued by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Alice Milgo, MP – AYES
2. Sen. Mercy Chebeni, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES - 27

NOES - 0

ABSTENTION – 0

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim –voted virtually
3. Sen. Boy Issa Juma- voted virtually
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Hargura Godana- voted virtually
6. Sen. Imana Malachy Charles Ekal
7. Sen. Mercy Chebeni - voted on behalf of Uasin Gishu County delegation

8. Sen. Khaniri George - voted virtually
9. Sen. Kibiru Charles Reubenson - voted virtually
10. Sen. Kimani Wamatangi Paul
11. Sen. Langat Christopher Andrew
12. Sen. Linturi Franklin Mithika
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Mahamud Mohamed Maalim
15. Sen. Mogeni Erick Okong'o
16. Sen. Murkomen Onesimus Kipchumba- voted virtually
17. Sen. Muthama Agnes Kavindu- voted virtually
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwaruma Johnes Mwashushe
20. Sen. Mwinyihaji Mohamed Faki- voted virtually
21. Sen. Nderitu John Kinyua
22. Sen. Ndwiga Peter Njeru
23. Sen. Olekina Ledama
24. Sen. Orengo James
25. Sen. Outa Fredrick Otieno - voted virtually
26. Sen. Sakaja Johnson Arthur
27. Sen. Wambua Enoch Kiio

Question agreed to.

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

13. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020)

Clause 2

Motion made and Question proposed;

THAT, Clause 2 be part of the Bill.

(Sen. Johnes Mwaruma, MP)

Clause 2 - Vote deferred

Clause 3 - Amendment proposed

THAT, the Bill be amended by deleting clause 3 and substituting therefor the following new clause—

Amendment
of section
23 of No.
47 of 2013.

3. Section 23 of the principal Act is amended —

(a) in subsection (2) by inserting the words “and one of whom shall be nominated by the council of county governors” immediately after the words “wildlife conservancy body” appearing in paragraph (e); and

(b) in subsection (4) by inserting the following new paragraph immediately after paragraph (f)—

(fa) provide support to local communities negatively affected by activities undertaken with respect to wildlife conservation and management;

(Sen. Njeru Ndwiga, MP on behalf of Chairperson, Standing Committee on Land, Environment and Natural Resources)

Clause 3 - Vote deferred

Clauses 4, 5, 6 and 7

Motion made and Question proposed;

THAT, Clauses 4, 5, 6 and 7 be part of the Bill.

(Sen. Johnes Mwaruma, MP)

Clauses 4, 5, 6 and 7 - Vote deferred

The Title and Clause 1

Motion made and Question proposed;

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

(Sen. Johnes Mwaruma, MP)

The Title and Clause 1 - Vote deferred

Progress report:

Motion made;

THAT, the Committee of the Whole do report progress on its consideration of the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020) and seek leave to sit again tomorrow.

(Sen. Johnes Mwaruma, MP)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

14. **HOUSE RESUMED** – The Deputy Speaker – in the Chair
15. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)**

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(Sen. Johnes Mwaruma, MP)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

16. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

The Community Health Services Bill (Senate Bills No. 34 of 2020)

Clause 3

Motion made and Question proposed;

THAT, Clause 3 be part of the Bill;

(Sen. (Dr.) Agnes Zani, MP)

Clause 3 - Vote deferred

Clause 4 - Amendment proposed

THAT Clause 4 of the Bill be amended in paragraph (e) by inserting the words “in a format and using technology that enables access by persons with disabilities” immediately after the words “to information”.

(Sen. Ledama Olekina, MP, on behalf of the Chairperson, Standing Committee on Health)

Clause 4 - vote deferred

Clause 5 - Amendment proposed

THAT, Clause 5 of the Bill be amended in a paragraph (a) by inserting the following sub-paragraph immediately after paragraph (iii) —

(iiia) implementation of community and family-based care and support systems for persons with mental health illness;

(Sen. Ledama Olekina, MP, on behalf of the Chairperson, Standing Committee on Health)

Clause 5 - vote deferred

Clause 6 - Amendment proposed

THAT, Clause 6 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “including community and family-based care and support for persons with mental illness” immediately after the words “community health services” appearing in paragraph (e); and

(b) in sub-clause (2) by inserting the words “including community and family-based care and support for persons with mental illness” immediately after the words “community health services” appearing in paragraph (b).

(Sen. Ledama Olekina, MP, on behalf of the Chairperson, Standing Committee on Health)

Clause 6 - vote deferred

Clause 7

Motion made and Question proposed;

THAT, Clause 7 be part of the Bill.

(Sen. (Dr.) Agnes Zani, MP)

Clause 7 - Vote deferred

Clause 8 - Amendment proposed

THAT, Clause 8 of the Bill be amended in sub-clause (1) by deleting paragraph (c) and substituting therefor the following new paragraph —

(c) develop strategies for the effective and efficient delivery of community health services, including community and family-based care and support for persons with mental illness at the community level;

(Sen. Ledama Olekina, MP, on behalf of the Chairperson, Standing Committee on Health)

Clause 8 - vote deferred

Clauses 9 and 10

Motion made and Question proposed;

THAT, Clause 9 and 10 be part of the Bill.

(Sen. (Dr.) Agnes Zani, MP)

Clauses 9 and 10 - Vote deferred

Clause 11 - Amendment proposed

THAT, Clause 11 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (d) —

(da) monitor the rehabilitation and integration of persons with a mental illness into the community.

(Sen. Ledama Olekina, MP, on behalf of the Chairperson, Standing Committee on Health)

Clause 11 - vote deferred

Clauses 12 – 19

Motion made and Question proposed;

THAT, Clauses 12 – 19 be part of the Bill.

(Sen. (Dr.) Agnes Zani, MP)

Clauses 12 – 19 - Vote deferred

Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clause 2, the Title and Clause 1 be part of the Bill.

(Sen. (Dr.) Agnes Zani, MP)

Clause 2, the Title and Clause 1 - Vote deferred

Progress report:

Motion made;

THAT, the Committee of the Whole do report progress on its consideration of the the Community Health Services Bill (Senate Bills No. 34 of 2020) and seek leave to sit again tomorrow.

(Sen. Agnes Zani, MP)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

17. **HOUSE RESUMED** – The Deputy Speaker – in the Chair

18. **THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 34 OF 2020)**

Progress reported:

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(Sen. (Dr.) Agnes Zani, MP)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

19. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 33 of 2020)

Clause 2 - Amendment proposed

THAT clause 2 of the Bill be amended in the proposed new section 23B by deleting subsection (2) and substituting therefor the following new subsection-

(2) The responsible officer shall submit a status report to the relevant Committee within sixty days from the date the resolution is conveyed or within such period as shall be specified by a resolution of the House.

(Sen. Mutula Kilonzo Jnr, MP, on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Clause 2 - Vote deferred

Clauses 3 and 4

Motion made and Question proposed;

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

(Sen. (Dr.) Agnes Zani, MP)

Clauses 3 and 4 - Vote deferred

The Title and Clause 1

Motion made and Question proposed;

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

(Sen. (Dr.) Agnes Zani, MP)

The Title and Clause 1 - Vote deferred

Progress report:

Motion made;

THAT, the Committee of the Whole do report progress on its consideration of the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bill No. 33 of 2020) and seek leave to sit again tomorrow.

(Sen. (Dr.) Agnes Zani, MP)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

20. **HOUSE RESUMED** – The Deputy Speaker – in the Chair
21. **THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2020)**

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(Sen. (Dr.) Agnes Zani, MP)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

22. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

The National Flag, Emblems and Names (Amendment) Bill (Senate Bills No. 36 of 2020)

Clauses 2 and 3

Motion made and Question proposed;

THAT, Clauses 2 and 3 be part of the Bill.

(Sen. (Dr.) Agnes Zani, MP)

Clauses 2 and 3 - Vote deferred

The Title and Clause 1

Motion made and Question proposed;

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

(Sen. (Dr.) Agnes Zani, MP)

The Title and Clause 1 - Vote deferred

Progress report:

Motion made;

THAT, the Committee of the Whole do report progress on its consideration of the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No. 36 of 2020) and seek leave to sit again tomorrow.

(Sen. (Dr.) Agnes Zani, MP)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

23. **HOUSE RESUMED** – The Deputy Speaker – in the Chair

24. **NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILLS NO. 36 OF 2020)**

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(Sen. (Dr.) Agnes Zani, MP)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

25. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga, MP) – in the Chair)

The Coffee Bill (Senate Bills No. 22 of 2020)

Clauses 3, 4 and 5

Motion made and Question proposed;

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

(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clauses 3, 4 and 5 - Vote deferred

Clause 6 - Amendment proposed

THAT, Clause 6 of the Bill be amended by—

(a) deleting the words “two persons” appearing at the beginning of paragraph (g) and substituting therefor the words “one person”.

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

(ga) one person nominated by the cooperative society representing the largest number of small-scale coffee associations in Kenya.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 6 - Vote deferred

Clauses 7, 8 and 9

Motion made and Question proposed;

THAT, Clauses 7, 8 and 9 be part of the Bill.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clauses 7, 8 and 9 - Vote deferred

Clause 10 - Amendment proposed

THAT, Clause 10 of the Bill be amended in sub-clause (1) by —

- (a) inserting the words “funding models” immediately after the words “implementation of strategies” in paragraph (d);
- (b) deleting paragraph (f) and substituting therefor the following new paragraph —
 - (f) conduct national and international coffee market intelligence and surveys to inform promotional and branding strategies including the application of the Kenya Coffee Mark of Origin;
- (c) deleting paragraph (h) and substituting therefor the following new paragraph —
 - (h) develop and implement a framework for the capacity building of players in the coffee industry;
- (d) deleting paragraph (l);
- (e) inserting the following new paragraphs immediately after paragraph (l)—
 - (m) undertake technology transfer and provide technical assistance to county governments on matters relating to coffee;
 - (n) conduct surveillance and enforce compliance with relevant policies, standards and legislation on the coffee sector;
 - (o) co-ordinate inter-agency representation in international coffee fora to promote increased market share of Kenyan coffee.
 - (p) arbitrate over disputes arising between parties registered or licensed by the Board under this Act; and
 - (q) carry out such other functions as may be assigned by the Cabinet Secretary or conferred under any other law.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 10 - Vote deferred

Clauses 11, 12, 13, 14, 15 and 16

Motion made and Question proposed;

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

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clauses 11, 12, 13, 14, 15 and 16 - Vote deferred

Clause 17 - Amendment proposed

THAT, the Bill be amended by deleting Clause 17.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 17 - Vote deferred

Clauses 18, 19, 20, 21 and 22

Motion made and Question proposed;

THAT, Clauses 18, 19, 20, 21 and 22 be part of the Bill.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clauses 18, 19, 20, 21 and 22 - Vote deferred

Clause 23 - Amendment proposed

THAT, Clause 23 of Bill be amended in sub-clause (1) by—

- (a) deleting the word “Each” appearing at the beginning of the introductory clause and substituting therefor the word “A”;
- (b) deleting paragraph (e) and substituting therefor the following new paragraph—
 - (e) offer and co-ordinate the delivery of extension services on sustainable production primary processing of coffee and climate smart agriculture;
- (c) inserting the following new paragraph immediately after paragraph (f) —
 - (fa) regulate the movement of coffee through the issuance of movement permits for *buni*, parchment and clean coffee within the county and from the county to warehouses situated outside the county.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 23 - Vote deferred

Clause 24

Motion made and Question proposed;

THAT, Clauses 24 be part of the Bill.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 24 - Vote deferred

Clause 25 - Amendment proposed

THAT Clause 25 of the Bill be amended in sub-clause (2) by deleting the word “from” appearing immediately after the words “in the prescribed” and substituting therefor the word “form”.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 25 - Vote deferred

Clause 26 - Amendment proposed

THAT Clause 26 of the Bill be amended in—

- (a) sub-clause (1) by inserting the words “miller, coffee roaster,” immediately after the words “nursery operator”;
- (b) sub-clause (4) by inserting the words “miller, coffee roaster,” immediately after the words “nursery operator” in paragraph (a).

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 26 - Vote deferred

Clause 27 - Amendment proposed

THAT Clause 27 of the Bill be amended by inserting the following new subclause immediately after subclause (8) —

(8A) The holder of a coffee buyer’s licence or an entity associated with a holder of the licence shall not carry on the business of a commercial miller, broker, roaster, agent or warehouse operator.

(8B) A buyer’s licence shall not be construed as authorizing a person to engage in direct sale of coffee or coffee products.

(8C) A holder of a commercial miller’s licence or any other entity associated with such holder shall not carry on the business of a buyer, broker, roaster, or agent.

(8D) A licensing authority shall not issue a licence to a person whose effect would result in in the contravention of subsection (8A), (8B) or (8C).

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 27 - Vote deferred

Clauses 28, 29, 30 and 31

Motion made and Question proposed;

THAT, Clauses 28, 29, 30 and 31 be part of the Bill.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clauses 28, 29, 30 and 31 - Vote deferred

Clause 32 - Amendment proposed

THAT Clause 32 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a) –

- (aa) monies received from the levy imposed on coffee sales pursuant to section 32A.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 32 - Vote deferred

Clauses 33, 34, 35, 36, 37, 38 and 39

Motion made and Question proposed;

THAT, Clauses 33, 34, 35, 36, 37, 38 and 39 be part of the Bill.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clauses 33, 34, 35,36,37,38 and 39 - Vote deferred

Clause 40 - Amendment proposed

THAT, Clause 40 of the Bill be amended in—

(a) sub-clause (1) by—

- (i) inserting the word “estate” immediately after the word “one person representing” in paragraph (f);
- (ii) inserting the following new paragraph immediately after paragraph (f)—
 - (fa) one person representing small scale coffee growers nominated by the Council of County Governors;

(b) sub-clause (2) by inserting expression “(fa)” immediately after the words “under subsection (1)(f)”.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 40 - Vote deferred

Clause 41 - Amendment proposed

THAT, Clause 41 of the Bill be amended by inserting the expression “(fa)” immediately after the words “under section (1)(f)”.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 41 - Vote deferred

Clause 42

Motion made and Question proposed;

THAT, Clause 42 be part of the Bill.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clauses 42 - Vote deferred

Clause 43 - Amendment proposed

THAT, Clause 43 of the Bill be amended in—

(a) subclause (1) by inserting the words “and new coffee varieties” immediately after the words “in coffee diseases” in paragraph (b);

(b) subclause (2) by —

(a) inserting the words “demand driven participatory” immediately after the words “and long-term” in paragraph (b);

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

(da) undertake the propagation of quality coffee planting materials and supervision of registered nursery operators;

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

(e) provide competitive grants to research institutes and persons desirous of carrying our research and training programs which address value chain priorities and are consistent with the national research priorities and plans of the institute;

(d) inserting the following new paragraphs immediately after paragraph (k)—

- (ka) be the lead scientific agency in coffee breeding for the development of a climate resilient coffee crop and coffee that is resistant to diseases and pests;
 - (kb) develop technologies and practices for adoption along the production, processing and value chain that contribute towards climate change adaption, resilience and mitigation;
 - (kc) be the custodian of the Kenyan Coffee Genome and the primary instrument for making modern genomics resources available to researchers working across the coffee production chain;
 - (kd) provide and facilitate access to timely scientific information in a useable format and advisory services to actors in the coffee production chain;
 - (ke) conduct market research and analysis and disseminate information on its findings to relevant stakeholders; and
- (e) deleting the word “Board” appearing after the words “ functions as the” and substituting therefor the words “board of the Institute” in paragraph (l).

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 43 - Vote deferred

Clauses 44, 45, 46, 47, 48, 49, 50, 51 and 52

Motion made and Question proposed;

THAT, Clauses 44, 45, 46, 47, 48, 49, 50, 51 and 52 be part of the Bill.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clauses 44, 45, 46, 47, 48, 49, 50, 51 and 52 - Vote deferred

Clause 53 - Amendment proposed

THAT Clause 53 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

- (b) one percent of monies collected from the sale of coffee pursuant to section 32A of this Act.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 53 - Vote deferred

Clauses 54, 55, 56, 57, 58 and 59

Motion made and Question proposed;

THAT, Clauses 54, 55, 56, 57, 58 and 59 be part of the Bill.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clauses 54, 55, 56, 57, 58 and 59 - Vote deferred

Clause 60 - Amendment proposed

THAT, Clause 60 of the Bill be amended by deleting the words “a court of competent jurisdiction” appearing immediately after the words “appeal to a” in subclause (2) and substituting therefor the words “the High Court”.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 60 - Vote deferred

Clauses 61, 62, 63, 64, and 65

Motion made and Question proposed;

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

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

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

Clause 66 - Amendment proposed

THAT, Clause 66 the Bill be amended in sub-clause (2) by—

- (a) inserting the words “permits, the notification to the direct settlement system provider,” immediately after the words “for registration, licencing” in paragraph (b);
- (b) inserting the words “or levy” immediately after the words “any fee” in paragraph (d);
- (c) inserting the words “and enforcement” immediately after the words “the regulation” in paragraph (e) ;
- (d) inserting the following new paragraphs immediately after paragraph (e) —
 - (f) the process of nomination of members to the Board;
 - (g) the conditions for the issuance of certificates, licenses and permits under this Act;
 - (h) the trade, storage, bulking, packing and roasting of coffee;
 - (i) the regulation of nursery operations, pulping, milling, warehousing and transportation of coffee;
 - (j) the grading and classification of coffee; and
 - (k) the imposition of costs charged by service providers along the value chain and payment of coffee sales proceeds to growers and their service providers.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 66 - Vote deferred

Clauses 67, 68, 69, 70, 71, 72, 73, and 74.

Motion made and Question proposed;

THAT, Clauses 67, 68, 69, 70, 71, 72, 73, and 74 be part of the Bill.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clauses 67, 68, 69, 70, 71, 72, 73, and 74. - Vote deferred

New Clause 27A - Insertion of New Clause proposed

THAT, the Bill be amended by inserting the following new clauses immediately after clause 27—

27A. The following licences shall be issued by the Authority under the Capital Markets Act— Licences issued by the Authority.

- (a) coffee exchange licence authorising a person to conduct the business of a coffee exchange; Cap 485A.
a broker's licence authorising a person to offer clean coffee for sale at an exchange on behalf of the grower.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question Proposed;

Motion made and Question proposed;

THAT, New Clause 27A be now read a Second Time

(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 27A - Vote deferred

New Clause 27B – Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 27A—

27B. (1) A person shall not operate as a cupping laboratory, liquorer, coffee buyer, coffee importer, agent or warehouse operator unless the person is licensed or issued a registration certificate or a permit by the Board upon satisfaction of the prescribed conditions.

(2) A person shall not conduct the business of a coffee exchange or offer brokerage services at the exchange unless that person is licensed by the Authority in accordance with the provisions of the Capital Markets Act.

(3) A person who contravenes the provision of this section commits an offence and be liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years or both.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 27B be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 27B – Vote deferred

New Clause 27C – Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 27B—

27C. A licence holder shall act in the best interest of coffee growers and adhere to prescribed conditions for the issuance of a licence and contractual obligations.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Requirements for certificates, licenses and permits.

Cap 485A

Obligations of license holders.

Motion made and Question proposed;

THAT, New Clause 27C be now read a Second Time

*(The Chairperson, Standing Committee on Agriculture,
Livestock and Fisheries)*

New Clause 27C - Vote deferred

New Clause 27D - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 27C—

27D. A licence holder provider shall submit Returns.
monthly returns to the relevant licensing authority in
the prescribed form.

*(The Chairperson, Standing Committee on Agriculture,
Livestock and Fisheries)*

Motion made and Question proposed;

THAT, New Clause 27D be now read a Second Time

*(The Chairperson, Standing Committee on Agriculture,
Livestock and Fisheries)*

New Clause 27D - Vote deferred

New Clause 27E - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 27D—

27E. (1) A person shall not transport clean coffee Movement permits.
unless such person -

- (a) holds a licence issued pursuant to section 27 of this Act; and
- (b) has applied for, and obtained a movement permit issued, in the case of—
 - (i) buni and parchment, by the respective county of origin;
 - (ii) movement of clean coffee from the coffee mills to the warehouses, by the respective county government; and

(iii) movement of clean coffee by buyers upon purchase, movement of purchased clean coffee to warehouses by millers, or movement of clean coffee for export or import, by the Board.

(2) A coffee movement permit issued under subsection (1) shall be in the prescribed form.

(3) Subsection (1)(b)(i) shall not apply to a smallholder moving cherry coffee produced by the smallholder between the farm and the pulping station where he or she is registered.

(4) A person transporting coffee under subsection (1) shall –

- (a) have, in his or her possession at the time of transporting the coffee, the original movement permit issued by the respective licensing authority; and
- (b) ensure that the vessel used to transport the coffee conforms to the prescribed coffee standards.

(5) The respective county executive committee member shall monitor the movement of cherry and parchment coffee between farms and stores and the movement of clean coffee and hulled *buni* to the market and shall, for this purpose –

- (a) prescribe, in county legislation, guidelines for the safe movement of cherry and parchment coffee; and
- (b) put in place measures to curb illegal dealings in coffee or coffee products.

(6) A person who moves coffee contrary to this Act commits an offence.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 27E be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clauses 27E – Vote deferred

New Clause 30A – Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 30—

30A. (1) Each county executive committee member shall submit to the Board, at the end of each month or within such timelines as may be agreed upon with the Board, a report on the registered and licensed coffee growers and dealers within the respective county. Submission of reports.

(2) The Board shall submit to the respective county executive committee member a report on the registered and licensed dealers and other service providers within the respective county at the end of each month or within such timelines as may be agreed upon with the respective county executive committee member.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 30A be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clauses 30A – Vote deferred

New Clause 31A – Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 31—

PART IVA— PRODUCTION AND PROCESSING.

- 31A (1) The Institute shall— Coffee production.
- (a) disseminate, in collaboration with the county governments, coffee production and processing technologies;
 - (b) undertake the propagation of coffee planting materials;
 - (c) supervise, in collaboration with the county governments, nursery operators undertaking the business of propagating planting materials;
 - (d) issue certified coffee seeds or seedlings for multiplication in coffee nurseries to coffee

- growers or for export;
- (e) map out areas suitable for coffee production in Kenya; and
- (f) undertake capacity building for the county governments and other players on coffee production and processing.

(2) The respective county executive committee members shall undertake soil mapping and analysis to determine nutritional requirements for coffee production.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31A be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31A - Vote deferred

New Clause 31B - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31A—

31B. (1) A person shall not import coffee planting materials unless such a person been registered by the Board.

Importation of coffee planting materials.

(2) The Board may, upon application and in collaboration with the Kenya Plant Health inspectorate Service and any other relevant agency, register a person to import coffee planting material for nursery establishment subject to the prescribed conditions.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31B be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31B - Vote deferred

New Clause 31C - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading

immediately after clause 31B—

31C. (1) The Institute shall, in collaboration with the respective county executive committee member, undertake analysis of the farm inputs to ascertain compliance with the prescribed standards.

Farm inputs.

(2) The respective county executive committee member shall establish such farm inputs schemes as may be necessary to enhance coffee production.

(3) The National Government, in collaboration council of county governors, may put in place the infrastructure necessary for the production and availability of quality farm inputs for coffee production;

(4) The county executive committee members shall monitor and oversee the implementation and compliance with standards by farm input stockists.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31C be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31C - Vote deferred

New Clause 31D - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31C—

31D. (1) A co-operative society comprising coffee growers shall keep and maintain a register of coffee growers and the number of coffee trees planted or uprooted by each of its members in the prescribed form.

Notification after planting, uprooting coffee or change of details of farm or estate.

(2) A co-operative society shall submit to the respective county executive committee member, annually, a record of the information maintained by the society under subsection (1).

(3) Each county executive committee member shall keep and maintain a record, in the prescribed form, of the area under coffee cultivation and information regarding uprooted coffee in the county.

(4) The county executive committee member shall submit to the Board, annually, the record kept under subsection (3).

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31D be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31D - Vote deferred

New Clause 31E - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31D—

31E. (1) The Board shall register certification schemes to monitor compliance with the coffee standards.

Certification of Kenya Coffee.

(2) A coffee grower, miller or any other player in the coffee value chain may seek certification by the respective licencing authority to ensure the quality of coffee, the quality of service and secure market confidence.

(3) The Board shall keep and maintain a register of certification scheme operators in each county.

(4) The Board shall, for the purpose of subsection (2), -

(a) keep and maintain a register of certified scheme operators; and

(b) submit, a copy of the register to the respective county executive committee member.

(5) Each county executive committee member shall monitor the operations of certification schemes and periodically advise the coffee growers within the respective county and the Board on best practice and performance of a scheme.

(6) A certification scheme under subsection (1) shall provide the particulars of certification services, competencies of their scheme operators and the benefits of the certification schemes to coffee growers.

(7) Certified coffee shall be identified and labelled according to the respective certification scheme for traceability and marketing.

(8) A miller shall, in the case of certified coffee, specify information relating to the certified coffee in the sales catalogue maintained by the miller.

(9) A coffee miller shall, before offering the coffee for sale in the exchange, provide proof of certification.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31E be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31E - Vote deferred

New Clause 31F - Insertion of New Clause

THAT the Bill be amended by inserting the following new heading immediately after clause 31E—

31F. The processing of coffee shall be carried out at designated, standard approved facilities and in accordance with the National Standards and Industry Code of Practice.

Requirements relating to coffee processing.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31F be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31F - Vote deferred

New Clause 31G - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31F—

31G. (1) The Board shall establish a coffee traceability system in the prescribed form.

Requirements relating to coffee traceability and disclosures.

(2) A person who operates a pulping station or coffee mill shall comply with prescribed traceability system established by the Board under subsection (1).

(3) A cooperative society shall, in imposing a fee to its growers, adhere to the society’s budget and not exceed ten percent of the gross earnings from the coffee sales.

(4) Every contract for milling of coffee shall be in writing and shall contain such information as may be prescribed.

(5) A commercial miller shall –

(a) ensure that the grower or grower’s representative is

- given reasonable notice to be present during the milling process;
- (b) take out comprehensive insurance cover against fire, theft, and other risks for all coffee in its possession and custody;
- (c) account for mill spillage or sweepings and all other coffee by-products to the growers and the Board;
- (d) digitize its operations to ensure weight precision, timely dissemination of information and protection of growers' data;
- (e) submit returns on coffee received and milled to the Board and the respective county government; and
- (f) comply with the prescribed standard coffee grades.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31G be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31G - Vote deferred

New Clause 31H - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31G—

31H. (1) A coffee miller may bulk parchment or *buni* coffee of the same quality and characteristics in order to attain millable quantities.

(2) A coffee miller who bulks coffee shall avail information, in the prescribed form, to an exchange and the direct settlement system provider on the proportions of the bulked coffees for purposes of processing payments.

Bulking of coffee

(3) The Board and the respective county executive committee member shall, separately or jointly undertake regular inspections to ensure compliance with this Act by the coffee millers.

(4) A coffee grower may deliver coffee samples not exceeding five hundred grams of parchment or *buni* for independent quality analysis by a laboratory before delivery to a commercial coffee miller.

(5) A laboratory to which a sample is submitted under subsection (4) shall issue to the coffee grower a report on quality compliance in the prescribed form.

(6) A coffee miller shall remit two hundred grams samples for each grade of an out-turn to the Board for quality analysis and assessment of conformity with coffee standards.

(7) A co-operative society or association comprising smallholder growers that intends to obtain milling services shall competitively procure the services of a miller or other service providers to whom the coffee is intended to be delivered for milling.

(8) Any charges imposed for the delivery of services to a coffee grower shall be communicated in the prescribed form to the direct settlement system provider before the sale of coffee for the purpose of settlement after the sale has been conducted.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31H be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31H – Vote deferred

New Clause 31I – Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31H—

PART IVB—COFFEE TRADING AND MARKETING

- 31I. (1) Kenya Coffee may be offered for sale through— Coffee trading.
- (a) auction in the Exchange;
 - (b) direct sales; or
 - (c) such other method as the Cabinet Secretary may prescribe.
- (2) A buyer, a roaster, or a grower miller licensed by the relevant licensing authority, or a broker appointed by the grower, may trade at an exchange in accordance with this Act and any other law governing trade in an exchange.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31I be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31I - Vote deferred

New Clause 31J - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31I—

31J. (1) A licensed coffee grower may undertake, in the prescribed manner, a direct sale in coffee and may, for this purpose, sell own clean coffee to a licensed roaster for local value addition and sale.

International and local direct coffee sales.

(2) The price at which a licensed coffee grower offers coffee for sale under subsection (1) shall bear a favorable comparison to the price at an exchange.

(3) A licensed coffee grower and a licensed roaster shall submit monthly returns to the Board, in the prescribed form, on sales undertaken under subsection (1) including —

- (a) a copy of the contract;
- (b) the coffee grade;
- (c) the coffee quantity;
- (d) the coffee price;
- (e) details of a certification scheme, where applicable;
- (f) quality report;
- (g) mode of payment; and
- (h) a dispute resolution clause.

(The Chairperson, Standing Committee on Agriculture, Livestock and F

Motion made and Question proposed;

THAT, New Clause 31J be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31J - Vote deferred

New Clause 31K - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31E—

31K.(1) There is established a body to be known as Nairobi Coffee Exchange for purposes of coffee trading.

(2) The Nairobi Coffee Exchange shall be a body corporate, registered under the Companies Act.

(3) The functions of the Exchange shall be to –

- (a) manage the auction floor, the central sample room, the

Establishment and functions of Nairobi coffee Exchange.

- information registry and the direct settlement system;
- (b) maintain records relating to coffee sales, coffee samples and sweepings;
- (c) avail sales catalogues to interested parties in accordance with the Capital Markets Act; and
- (d) carry out such other function as the Cabinet Secretary may prescribe.

No.17 of 2015

(4) The proceeds of the sale of coffee at the Exchange shall be deposited in a direct settlement system established in accordance with the Capital Markets Act.

Cap 485A

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31K be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31K - Vote deferred

New Clause 31L - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31K—

31L. (1) A broker or agent appointed by growers and other service providers shall not receive coffee sale proceeds on behalf of the growers.

(2) A coffee warrant or a warehouse receipt issued by a warehouse operator to a depositor of coffee shall be transferable to a new holder who has purchased the coffee and is entitled to take its delivery upon presentation of the coffee warrant or the warehouse receipt endorsed by the exchange to the warehouse operator.

Management of the exchange and settlement of coffee sales proceeds.

(3) The Exchange shall disseminate market information for every auction and an analysis of performance on, weekly and monthly basis.

(4) A person who contravenes the provisions of this section commits an offence.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31L be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31L - Vote deferred

New Clause 31M - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31L—

31M. (1) A commercial miller or a broker appointed in consultation with the commercial miller, shall prepare a sales catalogue in consultation with the Exchange and growers, for all the coffee in a licensed warehouse in accordance to this Act.

Sales catalogue.

(2) A sales catalogue shall contain information on the prompt date and such other particulars as may be prescribed under this Act.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made;

THAT, New Clause 31M be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31M - Vote deferred

New Clause 31N - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31M—

31N. (1) All coffee shall be stored in warehouses licensed by the respective county governments.

Coffee warehousing in designated warehouses.

(2) A county executive committee member shall not designate premises as a coffee warehouse unless the premises have been inspected, approved and licensed in accordance with this Act and the respective county legislation.

(3) A licensed warehouse shall conform to the standards prescribed by the Kenya Bureau of Standards.

(4) The Board and county governments shall inspect warehouses and monitor warehousing activities on a regular basis.

(5) A warehouse operator shall -

(a) insure all coffee in his or her warehouse or under his or her custody against fire, theft and other insurable risk;

(b) not remove or cause to be removed from a warehouse, coffee unless the operator has applied for, and obtained an endorsed coffee warrant or warehouse receipt as the case may be; and

(c) account for any weight or quality loss to the respective grower, agent, buyer or roaster.

(6) A person who operates a warehouse contrary to this Act commits an offence.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31N be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31N - Vote deferred

New Clause 31O - Insertion of New Clause proposed

Export and import of coffee.

THAT the Bill be amended by inserting the following new heading immediately after clause 31N—

31O. (1) A person shall not export coffee or cause any coffee to be exported unless such person has —

- (a) applied for, and obtained, a phytosanitary certificate from the Kenya Plant Health Inspectorate Service; and
- (b) been issued with a coffee buyer’s licence, notification and registration of direct sales contracts, certificate of origin and certificate of quality by the Board.

(2) The Board shall authorize the importation of coffee through the issuance of import permits or a buyer’s licence.

(3) Clean coffee imports shall be accompanied by the certificate of origin and a phytosanitary certificate issued by the country of origin and adhere to the coffee standards.

(4) Clean coffee which consists only of a sample or a parcel not exceeding twenty kilograms in weight and which meets the relevant licensing and certification requirements shall not require a buyer’s license from the Board.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31O be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31O - Vote deferred

New Clause 31P - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31O—

<p>31P. (1) A person who blends any or various grades of coffee produced in Kenya with any other coffees produced outside Kenya shall declare the percentage of Kenyan coffee in the blend.</p> <p>(2) A person who contravenes subsection (1) commits an offence.</p>	<p>Prohibition against blending.</p>
--	--------------------------------------

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31P be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31P - Vote deferred

New Clause 31Q - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31P—

<p>31Q. The trading activities at an exchange shall be compliant with relevant laws that deter unfair trading and anti-competitive practices.</p>	<p>Anti-competitive practices.</p>
---	------------------------------------

(The Chairperson, Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31Q be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31Q - Vote deferred

New Clause 31R - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31Q—

PART 1VC—QUALITY ASSURANCE

<p>31R. (1) The Board and the respective county executive committee members shall collaborate in the enforcement of coffee industry standards along the value chain for purposes of quality</p>	<p>Quality Assurance for Coffee</p>
---	-------------------------------------

assurance.

Industry.

(2) The Board, in consultation with an accredited university of higher learning and industry stakeholders may develop a training curriculum, conduct examinations and jointly issue certificates for coffee liquorers.

(3) The Board may enter into a memorandum of understanding with an accredited university for the training and administration of liquorers' examinations.

(4) A person shall not offer liquoring services unless such person is certified as a liquorer has applied for, and obtained a practicing licence from the Board.

(5) The Board shall, in collaboration with the respective county executive committee members establish cupping centers in the counties for the purpose of conducting coffee quality analysis and capacity building.

(6) The Board shall carry out assessments on coffee quality maintenance at any premises in which the processing of coffee is carried out along the value chain.

(7) The Board may sample coffee at any stage of the value chain to ascertain permissible pesticides residue levels for compliance with set national and international standards.

(8) The Board, in collaboration with the respective county executive committee member shall –

(a) monitor maintenance of pesticide spraying records by coffee growers to enforce compliance with the permissible pesticides residue levels in coffee beans; and

(b) inspect coffee storage bags to check against potential contamination and monitor wholesalers, suppliers, manufacturers and importers to ensure compliance with safety standards.

(9) The Institute shall conduct periodic surveillance on the application of pesticides to ensure compliance with set standards and best practices.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31R be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31R – Vote deferred

New Clause 31S – Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31R—

31S. (1) The Board and the respective county executive committee members shall, by notice in the *Gazette*, appoint inspectors for the enforcement of the provisions of this Act.

Inspections.

(2) The Board and the respective county executive committee members may, separately or jointly, conduct inspection of coffee farms, coffee nurseries, pulping stations, coffee mills, warehouses, cupping laboratories, roasters or coffee buyers' vessels transporting coffee to monitor compliance with the requirements of this Act.

(3) A smallholder, a grower, a pulping station operator, a transporter, a miller, a warehouse operator or a buyer shall accord an inspector access and necessary assistance for effective inspection.

(4) A person who fails to accord an inspector access to premises a information commits an offence.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31S be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31S - Vote deferred

New Clause 31T - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new heading immediately after clause 31S—

31T. (1) A person importing coffee into the country shall –

Coffee imports to conform to standards.

(a) ensure that the coffee complies with the coffee standards and such other quality standards as may be prescribed under this Act or any other law; and

(b) adhere to the safety and health standards prescribed under this Act or any other law.

(2) The Board shall destroy coffee which does not conform to the coffee standards.

(3) The Board shall not destroy coffee under subsection (2) unless –

(a) it has issued to the importer of the coffee, notice, in the prescribed form, of intention to destroy the coffee;

- (b) given the importer an opportunity to be heard; and
- (c) obtained an order of a Court of competent jurisdiction for the destruction of that coffee.

(4) The Board may, in addition to the action taken under subsection (3), suspend or cancel any licence issued to the importer under this Act.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 31T be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 31T – Vote deferred

New Clause 32A – Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause immediately after clause 32—

32A. (1) The Cabinet Secretary shall, in consultation with the Board and the Institute and by notice in the *Gazette*, impose a levy of two percent on the export import value remitted by coffee buyers to the Board for the development of the coffee industry.

Coffee
development
Levy

(2) The levy imposed under subsection (1) shall be apportioned as follows—

- (a) one percent to the Institute;
- (b) zero-point five percent to the Board for regulatory and coffee promotion purposes; and
- (c) zero-point five percent to the coffee growing County Governments for coffee development as a conditional grant.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 32A be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clauses 32A - Vote deferred

New Clause 60A - Insertion of New Clause proposed

THAT the Bill be amended by inserting the following new clause:-

60A. (1) The Board and each county executive committee member shall automate their operations for the efficient delivery of services and dissemination of information within the coffee sector. Digitization.

(2) In automating its processes, the Board and the county executive committee member shall ensure that—

- (a) multiple parties can access a common system;
- (b) flow of data takes place seamlessly across the value-chain without interruption;
- (c) the system is safe and secured and protected against unauthorized access;
- (d) there is in place, a mechanism that ensures access to the system is properly regulated and monitored with adequate mechanisms for continued integrity; and
- (e) the records are not lost, destroyed or tampered with, and in the event of any loss or destruction, sufficient back-up is available in a secure place.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 60A be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clauses 60A - Vote deferred

New Clause 2A - Insertion of New Clause proposed

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

2A. The objects of this Act are to — Objects.

- (a) promote a globally competitive coffee industry;
- (b) provide a framework for the registration and licensing of various players within the coffee sector;
- (c) delineate the roles of the National and County Governments in the regulation, development and promotion of the coffee sector;

- (d) promote the vertical integration of the coffee value chain for the purpose of achieving economies of scale and managing risk;
- (e) promote evidence based coffee research and the delivery of extension services for the development of the coffee sector;
- (f) provide a framework for –
 - (i) the establishment of a coffee development levy; and
 - (ii) the sustainable funding of the coffee sector; and
- (g) provide a mechanism for dispute resolution within the coffee sector.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 2A be now read a Second Time

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 2A – Vote deferred

Second Schedule – Amendment proposed

THAT the Second schedule be amended -

- (a) in item 8 by deleting the words “county government” appearing in the second column and substituting therefor the word “Board;”
- (b) by inserting the following the new items immediately after item 15—

- 16. Coffee exchange licence Capital Markets Authority
- 17. Brokers licence Capital Markets Authority.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Second Schedule – Vote deferred

Clause 2 – Amendment proposed

THAT Clause 2 of the Bill be amended by inserting the following definitions in their proper alphabetical sequence—

“auction” means the auction system under which clean coffee is offered for sale at a coffee exchange and includes the place at which, or a facility by means of which, whether electronic or otherwise, offers or invitations to sell, buy or exchange coffee

contracts are regularly made on a centralized basis, but does not include—

- (a) the office or facilities of a coffee buyer or service provider; or
- (b) the office or facilities of a clearing house;

“agent” means a person registered by the Board who may be appointed by a grower for purposes of facilitation of overseas direct sales with regard to logistics;

“association” means a registered group comprised of smallholder growers, co-operative societies, societies, estates, unions, millers, buyers, roasters or brokers, licensed by a relevant licensing authority;

“broker” means a person cleared by the exchange and licensed by the Capital Markets Authority, who may be appointed by a grower or an association of growers in accordance with the Capital Markets Act, to sell their coffee on their behalf through the Exchange;

“buyer” means an incorporated company licensed by the Board to buy clean coffee at an exchange for export, local sale or value addition or to import clean coffee for secondary processing in Kenya;

“clean coffee” means coffee bean or dried seed of the coffee plant separated from non-food tissues of the coffee fruit where the silver skin is reduced to the maximum possible extent;

“clearing house” means an entity approved by the Authority, and recognized as a clearing institution on behalf of a coffee exchange, providing the services of clearing and settlement of transactions and guaranteeing settlement on behalf of the exchange;

“clearing and settlement” means the procedure by which a clearing house acts as an intermediary between a buyer and seller for exchange traded transactions in order to reconcile orders between transacting parties and ensure the physical or financial settlement of the transaction; “coffee dealer” means a person registered by the Board, a county government or the Authority to deal in coffee as provided under this Act;

“coffee milling” means mechanical hulling or de-husking of coffee and includes grading of clean coffee;

“coffee sales proceeds” means monetary consideration received at the direct settlement system in exchange for clean coffee sold at an exchange or, where applicable, through direct sales;

“coffee standards” means the Kenya Coffee Standards issued by the Kenya Bureau of Standards;

“coffee warrant” means an instrument prepared by the warehouseman of which

the person named therein, or the last endorsee thereof, shall for all purposes be deemed to be the owner of the coffee to which it relates; “county executive committee member” means the county executive committee member for the time being responsible for matters relating to agriculture;

“direct sale” means a contractual arrangement between a grower, a co-operative society, society, union, grower-miller, estate or an association of coffee growers and an overseas buyer or local roaster for the sale of own clean coffee based on mutually accepted terms and conditions enforceable in law and includes settlement coffee sales proceeds through the direct settlement system on boarded by a coffee exchange;

“direct settlement system” means a banking facility provided by commercial banks regulated by the Central Bank of Kenya for clearing and settlement of coffee sales proceeds;

“estate” means an area of land or group of parcels of land under coffee not being less than five acres in size in aggregate or land under coffee which has been issued with a pulping station licence;

“licensing authority” means the Board, the Authority the county government or the Capital Market Authority as the case may be;

“liquoring” means analysis of clean coffee to determine the attributes and quality of coffee for purposes of trade;

“out-turn number” means an identifying number issued by a miller in respect of coffee delivered to a mill for purposes of traceability;

“primary processing” means the process of removal of coffee pulp from cherry, fermentation, washing and drying to the coffee standard moisture content to obtain parchment;

“prompt date” means a date specified in the sales catalogue, not being more than five working days from the date of the sale, for the payment of coffee sales proceeds by a buyer or a roaster;

“pulping station” means a specified place where primary coffee processing is undertaken;

“sales catalogue” means a standard document prepared by a coffee miller, or an appointed broker in consultation with an exchange and growers, for sale of clean coffee at the exchange;

“secondary processing” means parchment de-husking, polishing, grading and may include roasting, grinding and packaging of clean coffee beans;

“small holder” means a grower cultivating coffee in a small parcel of land or in

small parcels of land who does not possess his own pulping station;

“sweepings” means the balance of coffee samples in an exchange sample room and spillages collected from millers’ milling activities for sale at the exchange, the proceeds of which are paid to the respective growers on pro-rata basis;

“warehouse” means a facility registered by the Board and licensed by a county government for the storage of coffee, and which is specifically designed to guarantee the quality and safety of the coffee;

“warehouse operator” means any person registered and licensed by the Board who owns, leases or is in charge of a warehouse where coffee is handled and stored for reward or profit; and

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 2 - vote deferred

The Title - Amendment proposed

THAT the Bill be amended by deleting the long title and substituting therefor the following new long title—

AN ACT of parliament to provide for establishment of the Coffee Board of Kenya, and the Coffee Research Institute; to provide for the role of the National and the county governments; to provide for the regulation.

(The Chairperson, Committee on Agriculture, Livestock and Fisheries)

The Title - Vote deferred

Clause 1

Motion made and Question proposed;

THAT, Clause 1 be part of the Bill.

(The Chairperson, Committee on Agriculture, Livestock and Fisheries)

Clause 1 - Vote deferred

Progress report:

Motion made;

THAT, the Committee of the Whole do report progress on its consideration of the Coffee Bill (Senate Bills No.22 of 2020) and seek leave to sit again tomorrow.

(The Chairperson, Committee on Agriculture, Livestock and Fisheries)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties;

Question put and agreed to.

26. **HOUSE RESUMED** – The Deputy Speaker – in the Chair

27. **THE COFFEE BILL (SENATE BILLS NO. 22 OF 2020)**

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

28. **THE PROMPT PAYMENT BILL (SENATE BILLS NO. 16 OF 2021)**

Order read;

Motion made and Question proposed;

THAT, the Prompt Payment Bill (Senate Bills No. 16 of 2021) be now read a Second time.

(Sen. (CPA) Farhiya Haji and Sen. Johnson Sakaja, MP – 28.07.2021)

Debate interrupted on Wednesday, 28th July, 2021 resumed;

And there being no other Senator wishing to contribute;

The Mover (Sen. Johnson Sakaja, MP) replied;

Pursuant to Standing Order 61 (3), the Mover requested the Temporary Speaker (Sen. Rose Nyamunga, MP) to defer putting of the Question to a later date.

And the Temporary Speaker (Sen. Rose Nyamunga, MP) acceding to the request, deferred putting of the Question to a later date.

29. **THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**
(Sen. Kipchumba Murkomen, MP)

(Second Reading)

Order deferred.

30. **THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)**
(Sen. Halake Abshiro, MP)

(Second Reading)

Order deferred.

31. **THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**
(Sen. Mutula Kilonzo Jr, MP and Sen. Johnson Sakaja, MP)

(Second Reading)

Order deferred.

32. **THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)**

Order read;

Motion made;

THAT, the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 25 of 2021) be now read a Second time.

(Sen. (Dr.) Agnes Zani, MP)

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

33. **SENATE ROSE** - at thirty minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, August 03, 2021 at 2:30 p.m.*