

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 28th November, 2023

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Mr. Clerk, do we have quorum?

(The Clerk-at-the-Table consulted with the Speaker)

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

(Several Senators walked into the Chamber)

Hon. Senators, I am informed we have quorum now. Clerk, you may proceed to call the first Order.

PETITIONS

PERSISTENT INSECURITY IN SAMBURU
CENTRAL SUB-COUNTY

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Speaker, Sir. This is a public Petition on the persistent insecurity, cattle rustling, loss of lives and property in Lorroki and Malaso Divisions of Samburu Central Sub County.

I read the Petition on behalf of the petitioners.

We, the undersigned citizens of Kenya and residents of Lorroki Division of Samburu County, Samburu Central Sub County, draw the attention of the Senate to the following-

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(1) There has been persistent insecurity, cattle rustling, loss of lives and property in Lorroki, Malaso of Samburu Central Sub County.

(2) The Petition is presented to bring to the attention of this honourable Senate, alarming and persistent security challenges faced by residents of the said areas.

(3) This has resulted into loss of lives and property as well as disruption of economic activities in the affected areas as follows-

(a) Fifty nine lives have been lost, so far.

(b) Twenty two people have sustained severe injuries arising out of the said conflict.

(c) Two thousand, eight hundred and thirty six cows have been stolen.

(d) Three thousand six hundred and sixty three goats have been stolen.

(4) That despite the constitutional protection of rights of all Kenyans, including the rights to life, property and security of persons, residents of Lorroki and Malaso Divisions have been enduring a sustained security crisis for approximately two years now.

(5) That the security concerns in these areas have resulted in the disruption of learning and closure of schools, displacements of people in residential areas of Amayia and Nasur sub locations leading to severe disruptions in their economic activities. The communities have lost their lives and their normal economic activities have been gravely disturbed. Further, the situation has adversely affected education programmes within the area.

(6) That, this has led to the increase in school dropouts and poor performance among learners. Teachers also fear travelling to and from schools within the area.

(7) That, the gravity of this situation is exemplified by the fact that more than 59 lives have been lost tragically and a significant number of the properties has been damaged or destroyed. This alarming toll on human lives and loss of valuable assets cannot be ignored.

(8) That despite the presence of the Multi Agency Security Forces deployed in these divisions, their efforts to contain the security situation have yielded little to no success. The current security measures have proven insufficient in providing adequate protection for the residents and their property.

(9) That, the response by the Multi Agency Security Forces and the national Government to deal with the matter in question has been sluggish and amounts to denial of constitutional rights to the area residents.

(10) That, the issues in respect of which this Petition is raised, are not pending before any court of law, constitutional or any other legal body.

(11) That, the residents have made efforts to have the matter addressed by the relevant authorities, including the Multi Agency Security Forces, the local administration and the Ministry of Interior and National Administration, all of which have not given a satisfactory response to the security situation in Lorroki and Malaso areas of Samburu Central Sub County.

Therefore, your humble petitioners pray to the Senate-

(1) Inquires into the circumstances of this matter by engaging the various relevant Government agencies with a view to establishing the root causes of the insecurity

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challenges plaguing Lorroki and Malaso divisions and make appropriate recommendations thereon.

(2) Investigate the magnitude of the losses incurred to the area residents considering the significant loss of property and make recommendations for appropriate compensation to the affected individuals and families.

(3) Make appropriate recommendations to the Government with a view to prioritising the enforcement of property rights in order to protect the citizens and their belongings.

(4) Make appropriate recommendations with the relevant Government agencies for improved connectivity, including development of security roads in the said divisions with a view to enhance rapid response and accessibility by security forces.

(5) Make appropriate recommendations for implementation of the community policing initiatives through enhanced National Police Reservists (NPR) to empower the residents of this belt to actively participate in their own protection to foster a sense of ownership and collective responsibility for security matters.

(6) Recommends that the Government implements a programme to caution students of the victims of cattle rustling from dropping out of schools through payment of school fees, scholarships or offering food for learning activities.

(7) Make recommendations for the proposed creation of a new sub county to be known as Suguta Marmar Sub County as a way to enhance coordination of national Government operations and security provisions in the affected region and make any other recommendation, or action it deems fit, in addressing the plight of petitioners to foster peace, stability and development in the region.

Your Petitioners will forever pray.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Members, pursuant to Standing Order No.238(1), I direct that the Petition be committed to the Standing Committee on National Security, Defence and Foreign Relations. Pursuant to Standing Order No.238(2), the Committee has 60 days from today to respond to the Petition by way of report, which must be laid on the Table of the Senate.

*(The Petition was committed to the Standing Committee on
National Security, Defence and Foreign Relations)*

Chairperson or any Member of the Committee on Justice, Legal Affairs and Human Rights?

Sen. Dullo, proceed.

REPORT ON PETITION: ELECTORAL LAWS
AMENDMENTS FOR NOMINATED MCAS

Sen. Dullo: Thank you, Mr. Speaker, Sir. I beg to lay the following Petition Reports on the Table of the Senate, today, Tuesday, 28th November, 2023-

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Report to the Senate on a Petition by Mr. Laban Omusundi concerning the enactment of a clause in the Election Laws to ensure that all nominated Members of the County Assembly are voters and residents of the respective counties.

REPORT ON PETITION: AMENDMENT OF LAWS ON THE ELECTION
OF DEPUTY PRESIDENT AND DEPUTY GOVERNORS

Report of the Senate on Petition by Mr. Taratisio Ileri Kawe, concerning an amendment to the Constitution and relevant laws on the election of the Deputy President and Deputy Governor, whenever the positions fall vacant.

REPORT ON PETITION: HISTORICAL INJUSTICES SUFFERED
BY RESIDENTS OF NGELANI, MACHAKOS COUNTY

Report to the Senate on the Petition by members of the Muindi Mbingu Memorial Ngelani Association, concerning historical injustices suffered by residents of Ngelani area in Machakos County during the colonial period.

REPORT ON PETITION: MISTREATMENT AND HUMAN
RIGHTS VIOLATION METED ON THE FAMILY OF THE
LATE HON. JEAN MARIE SERONEY

Report to the Senate on a Petition by Ms. Zipporah C.K. Seroney concerning mistreatment, harassment, property loss and human rights violation meted on the family of the late Hon. Jean Marie Seroney.

Mr. Speaker, Sir, the Committee looked at all these petitions. I will be very brief on them as far as findings are concerned. On the first Petition, the Committee observed that while it was inappropriate to place a requirement that would be deemed too restrictive and which would run counter to the principles in the Constitution and electoral laws, it was equally important that nominated MCAs have a level of connection with the concerned counties, to effectively participate in the work of the assembly and their representation of the interest of which they have been so nominated.

Consequently, the Committee proposes that the amendment of Section 34 of the Elections Act No.24 of 2011 to introduce three tier criteria that one must meet to be nominated to a county assembly, namely-

- (1) One must either be a registered voter in any of the wards in the county;
- (2) A resident of the county; and,
- (3) Have demonstrated interest in the affairs of the county.

Now, on the second Petition by Mr. Taratisio Ileri Kawe concerning the amendment to the Constitution and relevant laws on the election of the Deputy President and Deputy Governor whenever the position falls vacant, the Committee finding is that we adopted the findings and recommendations which are set out at Chapter Three and Four of the Report. Notably, the Committee found the Petition to be without merit and recommends that no further action to be taken thereon.

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This is on the basis that the Constitution and statutes anticipated that vacancies would arise in the positions of Deputy President and Deputy Governor. It came up with elaborate mechanisms for how such positions would be filled including the approval of the nominee thereon by the National Assembly or the respective county assembly.

Secondly, in approving such a nominee, the National Assembly and county assembly exercise their delegated powers under Article One of the Constitution, therefore, ensuring legitimacy of the office holders.

Third, the existing process ensures continuity in service delivery, encourages economic and administrative stability and mirrors best practise in the comparative jurisdiction.

The other Petition by the members of the Muindi Mbingu Memorial Ngelani Association concerning historical injustice suffered by residents of the Ngelani area in Machakos County during the colonial period, the finding of the Committee is that appropriate redress to recommend in this case, the Committee observed that there exists various legislative gaps that make it difficult to compensate or pass reparations to victims of historical injustice and gross human life violations.

Consequently, in addition to directing the Kenya National Commission on Human Rights (KNCHR) to make steps to ensure appropriate redress for the victims, the Committee recommends the immediate commencement of steps to be put in place-

(a) A policy framework on reparation of historical injustices and gross human rights violations;

(b) Legislative framework providing mechanisms through which the State can compensate victims of historical injustices and gross human rights violations;

(c) Regulations to operationalise the said legislative framework, including anchoring the proposed Restorative Justice Fund under the Public Finance Management Act, 2017; and,

(d) A legislative framework to guide county governments in budgeting and offering reparative measures, including the recognition of heroes and establishment of monuments at the county level.

The other Petition is by Ms. Zipporah Seroney concerning mistreatment, harassment, property loss and human rights violations meted on the family of the late Hon. Jean Marie Seroney. I remember we visited Nandi County as far as this petition is concerned. Arising from the interaction, the Committee adopted the findings and recommendations, which are set out at Chapter Three and Four of the Report. To highlight a few-

(a) On the question of compensation of human rights violations meted on the family of the late Hon. Jean Marie Seroney, the Committee found that the Petitioner had previously litigated the matter in court, where the State was directed to pay compensation to the petitioner;

(b) On the claims relating to the forcible and unlawful disposition of the family land, the Committee found all five counts to not have been substantiated;

(c) On the request to have the late Hon. Jean Marie Seroney recognised as a national hero, the Committee noted that there exists a legal framework under the Kenya Heroes Act, through which one may be nominated for recognition as a national hero and

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for conferment of honours. Therefore, the Committee recommends that any member of the Seroney family may submit a nomination to the National Heroes Council in accordance with provisions of the said Act.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Next Order.

The Senate Majority Leader (Sen. Cheruiyot): On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of order, Senate Majority Leader?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, it is just a little matter of concern, albeit not in a bad way. Did you notice that the Committee on Justice and Legal Affairs cleared four petitions and brought the reports to the House before the lapse of the 60-day period? I feel this is something so exceptional that it should not go without notice and celebrating the exemplary work of the Committee.

We are not used to such efficiency every day. You know how much you, Mr. Speaker, complain every other afternoon on petitions taking longer than usual. This is just a moment to appreciate the industry of our colleagues who serve in the Committee, at least, there are those who attend Committee meetings. If we were to say everybody, I do not know who attends and who does not. Overall, that Committee led by Sen. Wakili Sigei of Bomet County has worked exemplarily well. As Members of this House, we must celebrate such Committees.

The Speaker (Hon. Kingi): Yes, Sen. Faki, proceed.

Sen. Faki: Bw. Spika, pia najiunga na Kiongozi wa Wengi kupongeza Kamati ya Sheria na Haki ya Bunge la Seneti kwa kazi nzuri ambayo imefanya. Kusoma ardhilhali tatu kwa muda mfupi uliowekwa wa siku 60, ni kazi kubwa ambayo imefanywa na Kamati hiyo. Sisi wote tunaipongeza.

Pia nimesimama kwa masikitiko kwamba mwezi wa saba nilileta maombi ya taarifa kuhusiana na ukosefu wa huduma za *lift* na hali ya usafi katika Jumba la Bima, Mjini Mombasa. Kuna pia Taarifa kuhusiana na zabuni zilizotolewa na mashirika ya Kenya Rural Roads Authority (KeRRA) na Kenya Urban Roads Authority (KURA) kwa mji wa Mombasa, miaka kumi iliyopita.

Bw. Spika, Taarifa hizo zilipelekwa kwa Kamati ya Usafiri na Miundo Msingi, lakini, masikitiko ni kwamba mpaka leo, zaidi ya miezi mitano iliyopita, sijapata ripoti yeyote kuhusiana na Taarifa hizo. Sijui Kamati imezembea ama imelala kuhusiana na maswala haya.

Lile jumba la Bima lina wizara karibu tatu za Kaunti ya Mombasa. Inabidi Mawaziri wapande kwa miguu, karibu gorofa saba au nane. Masoroveya wako gorofa ya kumi na mbili na wananchi wanaohitaji huduma za serikali za usoroveya wanapata shida. Hilo jumba halina maji na lina gorofa kuma na nne.

Bw. Spika, ningeomba utupe mwongozo wako kuhusiana na swala hili. Hili ni jambo linakera roho wakaazi wa Mombasa.

Asante.

The Speaker (Hon. Kingi): I thought I saw the Chairperson of the Standing Committee on Roads, Transportation and Housing. Sen. Faki, you will hold for a while

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because we need to get the reason why that Petition has not been responded to five months down the line.

I am told the Vice-Chairperson is here. Could you proceed to explain to us why five months down the line that Petition has not been responded to and when we can have it?

(The Hon. Speaker (Hon. Kingi) consulted with the Clerks-at-the-Table)

Sen. Faki, for the benefit of the Vice-Chairperson, kindly, repeat your concerns.

Sen. Faki: Bw. Spika, malalamiko yangu ni kwamba mnamo mwezi wa saba, niliomba Taarifa kuhusiana na maswala mawili. Ya kwanza ni ukosefu wa huduma ya lifti katika Jumba la Bima Towers mjini Mombasa. Jumba hili lina gorofa kuma na nne na linahudumia wananchi kuhusiana na maswala ya usoroveya. Kuna pia Wizara tatu za Baraza la Kaunti ya Mombasa zinazohudumu ndani ya jumba hili.

(Sen. Kinyua consulted with Sen. Tobiko)

The Speaker (Hon. Kingi): Clearly, the Vice-Chairperson is not listening to what Sen. Faki is saying because of some interruption from Sen. Kinyua. Kindly, be keen so that you give us a more comprehensive response.

Sen. Faki: Bw. Spika, niliomba Taarifa kuhusiana na ukosefu wa huduma za maji na lifti katika jumba la Bima Towers, Kaunti ya Mombasa. Jumba hili lina wizara karibu tatu za Serikali ya Kaunti za Mombasa ambazo wananchi huenda kutafuta huduma huko. Maji hupelekwa na mkokoteni huko na hiyo ni kinyume na matarajio ya wengi katika Kaunti ya Mombasa.

Taarifa ya pili niliyoomba ni orodha ya zabuni zilizotolewa na mashirika ya KeRRA na KURA katika Kaunti ya Mombasa kwa muda wa miaka kumi ya ugatuzi. Hii ni kwa sababu kuna kero kwamba hakuna barabara zinafadhiliwa na mashirika haya mawili ya KeRRA na KURA katika Kaunti ya Mombasa.

Bw. Spika, hayo ndiyo maombi yangu ya Taarifa niliwasilisha mwezi wa saba mwaka huu. Asante.

(Sen. Tobiko stood up in her place)

The Speaker (Hon. Kingi): Sen. Tobiko, just have your seat. I understand you may be struggling to give the exact position. However, this week and next week, each Committee has been given time to file the progress report and report to the House. During that time when your time comes for your Committee to give us a progress report, you can give us a more comprehensive response to the concerns of Sen. Faki.

Is that a better way forward?

Sen. Tobiko: Yes, Mr. Speaker, Sir. I thank you. At first, I was struggling with the Swahili from the coast region by Sen. Faki. It was not easy for me. *Nimetoka bara na Kiswahili chake ni kigumu kiasi.* The Committee is trying to do---

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The Speaker (Hon. Kingi): Sen. Tobiko, you cannot mix two languages. Pick one and proceed.

Sen. Tobiko: Mr. Speaker, Sir, I choose the one I am more comfortable with. The Committee is trying to mop-up all the Statements and Petitions that have come before us. So, before we break for recess, we will give a definite answer to Sen. Faki. There was a time that Sen. Faki was to appear before the Committee, but he did not. We expected him there, but we will give a response of all the pending Statements and Petitions before we go on recess.

I thank you.

The Speaker (Hon. Kingi): Sen. Kavindu Muthama.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir, for this opportunity. I am asking a question about the Muindi Mbingu Petition whose Report was brought to this House by the Justice, Legal Affairs and Human Rights Committee (JLAC).

They went to the ground, saw and heard the injustices on Muindi Mbingu people. I wonder if this will end here because the Committee has said there is a legislative gap in the policies and the law. Could they not have suggested that this be made a Motion for it to be debated and what they are suggesting about the British Colonial Government, which caused all these injustices? Should they end here or should they follow up and get a way for getting justice for our people from the colonial government?

The Speaker (Hon. Kingi): Sen. Kavindu Muthama, your concerns are valid. Once a Committee has gone through the rigorous process of holding hearings and comes up with recommendations for the Petitioner to feel that they got any assistance from the Senate, it is for those recommendations to be implemented. The implementation of those recommendations may not necessarily rest on the shoulders of the Committee Members. Any Member of this Senate can pick up the recommendations, either looking at the legislative gaps and wanting to fill them or taking any other step, including bringing a Motion based on those recommendations.

Again, the Senate can do so much. Let us not restrict ourselves to just the Committee having come up with recommendations, it becomes the only one that can take the matter forward.

(Sen. Kavindu Muthama stood up in her place)

Sen. Kavindu, I thought I adequately addressed your concerns. Can we move forward now?

Yes, Sen. Kinyua.

Sen. Kinyua: Asante, Bw. Spika. Nataka kupongeza Kamati inayoongozwa na Sen. Wakili Sigei kwa kazi nzuri waliofanya. Pia, nataka kujibu Sen. Faki kwa sababu mimi ni Mwanakamati wa Kamati inayoshughulikia mambo ya barabara na ujenzi ya kwamba. Taarifa yake kuhusiana na lifti tunaangazia. Majibu tuliyopata kutoka kwa Wizara ni kwamba kulikuwa kidogo na mukshi kama hiyo nyumba ni ya Serikali ya kitaifa au ni ya kaunti. Tulirudisha Taarifa lakini bado tunangojea taarifa.

Bw. Spika, kama ulivyoagiza, Naibu wa Mwenyekiti ataleta taarifa ya kutosha wiki hii au wiki ijayo.

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The Speaker (Hon. Kingi): Sen. Mwaruma.

Sen. Mwaruma: Mr. Speaker, Sir, I seek your indulgence to request the Standing Committee on Roads, Transportation and Housing as they bring additional information on the progress of having the lift in Bima Tower work. I also have pending business with the same Committee. I previously requested for a report on the status of implementation of two roads in Taita-Taveta; Chala-Chukiri-Kilas Road and the Bura-Bugagi-Wundanyi Road. They called me to discuss the progress. However, we required some additional information from the Ministry of Roads and Transport.

I request that they bring extra information. We requested to meet the Cabinet Secretary so that he can tell us why a road that was started in 2020 from Bura-Bugange-wundanyi-Mtuwamagoti, which was supposed to cost Kshs2.2 billion and the year of completion is September 2024 has only been allocated Kshs90 million only instead of the Kshs2.2 billion that is required to build the road.

I thank you.

The Speaker (Hon. Kingi): The Standing Committee on Roads, Transportation, as you prepare for your comprehensive report, kindly bring on board the concerns of Sen. Mwaruma.

Next Order, please.

PAPERS LAID

The Speaker (Hon. Kingi): Chairperson, Standing Committee on Agriculture, Livestock and Fisheries, or any Member of the Committee can proceed.

REPORT ON THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL (NATIONAL ASSEMBLY BILLS NO.21 OF 2023)

Sen. (Dr.) Lelegwe: Mr. Speaker, Sir, on behalf of the Chairperson, Standing Committee on Agriculture, Livestock, and Fisheries, I beg to lay the following Paper of the Table of the Senate, today, 28th November 2023-

Report of the Standing Committee on Agriculture, Livestock, and Fisheries on its consideration of the Food and Feed Safety Control Coordination Bill (National Assembly Bills No. 21 of 2023).

(Sen. (Dr.) Lelegwe laid the document on the Table)

The Speaker (Hon. King): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

CAREER GROWTH FOR TEACHERS ON CONTRACT

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Sen. Okenyuri is not in the House. Therefore, the Statement is dropped.

(Statement dropped)

Sen. Methu, you may proceed.

Sen. Kinyua, do you have a brief from Sen. Methu? Do you confirm that you are holding brief for him?

Sen. Kinyua: Yes, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Kinyua, you may proceed.

DELAYED PAYMENT TO PERSONNEL IN DATA COLLECTION
EXERCISE FOR FARMER REGISTRATION IN NYANDARUA COUNTY

Sen. Kinyua: Mr. Speaker, Sir, on behalf of Sen. Methu, I rise pursuant to Standing Order No.53(1) to Seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the inordinate delay in payment to the enumerators and village elders who were engaged in the exercise of profiling and mapping of farmers in Nyandarua County.

In the Statement, the Committee should-

(i) State the reason for the delay in payment of some of the enumerators and village elders who were engaged in an exercise of profiling and mapping of farmers in Nyandarua County Between 5th and 30th September 2023;

(ii) Provide a timeframe within which the processing of the payment will be concluded for all the enumerators and village elders; and,

(iii) Confirm whether the initiatives; a collaboration between the Ministry of Agriculture and Livestock Development, National Agriculture Value Chain Development Projects, and Nyandarua County Government achieved the intended purpose, and if so, provide a report on the same.

I thank you.

DELIVERY OF CENTRALLY PROCURED
LEARNING MATERIAL TO SCHOOLS

The Speaker (Ho. Kingi): Sen. Mundigi, is not in the House. The Statement is, therefore, dropped.

(Statement dropped)

The Speaker (Hon. Kingi): Sen. (Dr.) Lelegwe, do you want to defer your Statement?

Sen. (Dr.) Lelegwe: No, Mr. Speaker, Sir.

The Speaker (Hon King): Then proceed.

Sen. (Dr.) Lelegwe: Mr. Speaker, Sir---

The Speaker (Hon. Kingi): Just hold on, Sen. (Dr.) Lelegwe.

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Hon. Senators, we are just about to go into Division. Please call your colleagues to come in; do not leave because we need two more Senators to proceed to Division in the Committee of the Whole. Kindly call your colleagues who are not in yet.

Proceed, Sen. (Dr.) Lelegwe.

STATE OF ROADS IN SAMBURU COUNTY

Sen. (Dr.) Lelegwe: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the state of roads in Samburu County.

In the Statement, the Committee should-

(i) Provide the status of Larata-Wamba-Kisima Road, outline timelines when the road will be upgraded to bitumen standards;

(ii) Explain the reasons why Maralal-Baragoi-Southo Road is not upgraded to bitumen standard despite being classified as Class A and if there are budgetary plans for upgrading it;

(iii) Explain the discrepancy in the use of Alpha concrete in the construction of Rumuruti-Mowara Road as compared to the cheap selling, service dressing for the Mowarak-Maralal considering the whole road stretch is high traffic and tracks carrying high loads use the road, and if there are plans to improve it to uniform standards; and,

(iv) Disclose the funding allocated by the Kenya National Highways Authority (KeNHA) and the Kenya National Rural Road Authority (KeRRA) to Samburu County covering the Financial Year 2020/2021, and Financial Year 2022/2023 and provide the breakdown of the budgetary allocations by the National Treasury per constituency.

I thank you.

The Speaker (Hon. Kingi): Sen. Kisang, please, proceed.

CONDITIONAL GRANTS FOR CONSTRUCTION OF COUNTY HEADQUARTERS

Sen. Kisang: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the status of the Conditional Grants for the construction of county headquarters.

In their state Committee should-

(i) State the counties scheduled to receive Conditional Grant applications for the construction of the county headquarters following the completion of the construction for the current beneficiary counties;

(ii) Explain the criterion used in the identification of beneficiaries' counties; and,

(iii) Elaborate on the plans in place to aid counties, including Elgeyo Marakwet County in constructing headquarters with sufficient space for the county officers.

I thank you.

The Speaker (Hon. Kingi): Sen. Mwaruma, you may proceed.

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PART DEVELOPMENT PLAN FOR PARCEL NO. KIMORIGO
KITOBO BLOCK 2 IN TAVETA SUB COUNTY

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for this opportunity to request a Statement on the Part Development Plan (PDP) for Parcel No. Kimorigo Kitobo Block 2. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the Part Development Plan, Sheet 1 of Parcel No. Kimorigo/Kitobo, Block 2 (Criticos) in Taveta Sub County.

In the Statement, the Committee should-

- (1) Confirm that the owners of the Parcel No. Kimorigo Kitobo Block 2 have been issued with title deeds but lack corresponding Part Development Plan;
- (2) State the reasons for the absence of Part Development Plan and present the document from the Ministry of Lands, Public Works, Housing and Urban Development;
- (3) Specify the timeframe within which the Part Development Plan will be provided to the county lands office for use by the land owners; and,
- (4) Provide proof that all Part Development Plan for the area in question are available.

The Speaker (Hon. Kingi): Sen. Chute, please proceed.

FINANCIAL VIABILITY OF UCHUMI
SUPERMARKET CHAIN

Sen. Chute: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Trade, Industrialisation and Tourism regarding the financial obligation and the economical viability of Uchumi Supermarket Chain.

In the Statement, the committee should-

- (1) Detail Uchumi Supermarket financial obligations owed to creditors, debtors and bank, stating the amount and entities involved;
- (2) Present a detailed valuation of Uchumi Supermarkets assets stating whether these assets can be used to offset the outstanding loans and outline a process for this asset liquidation or debt restructuring;
- (3) State the total amount of money the Government has spent on attempts to revive Uchumi Supermarkets specifying the number of times and the amount allocated for each attempt, and;
- (4) Recommend alternative strategies for dealing with Uchumi's financial crisis exploring options such as restructuring the company, finding strategic investors or merging with other entities stating the feasibility and potential impacts of these alternatives on the Kenya retail sector and economy.

(Loud consultations)

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The Speaker (Hon. Kingi): Order Senators. Before we move to the Statements pursuant to Standing Order No.56(1), I have the following Communications to make.

(Interruption of debate on Statements)

COMMUNICATIONS FROM THE CHAIR

VISITING TEACHERS AND STUDENTS FROM AMAZING GRACE PATHFINDERS CLUB

The Speaker (Hon. Kingi): I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting delegation of four teachers and 20 students, from Amazing Grace Pathfinders Club Seventh Day Adventist Church Kabete in Kiambu County. The delegation is in the Senate for a one-day academic exposition.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

VISITING TEACHERS AND STUDENTS FROM PCEA KUTUS CHILDRENS' MINISTRY

I also wish to acknowledge the presence in the Public Gallery this afternoon of a visiting delegation of nine teachers and 32 students from Presbyterian Church of East Africa (PCEA) Kutus Childrens' Ministry in Kirinyaga County. The delegation is in the Senate for a one-day academic exposition.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit. I will allow Sen. Mbugua in under one minute to extend words of welcome to the delegation from Kiambu County.

Sen. M. Kajwang' you can proceed to take your seat if you can only contribute from that seat. Proceed in under one minute, to welcome the delegation from PCEA Kutus. In that order.

Sen. Mbugua: Thank you, Mr. Speaker, Sir, for this opportunity. I join you in welcoming the students from Kiambu County to this House to learn, get to know what we do and encourage them in their studies so that they can do wonders and in future, they can come here as Members of the Senate to participate in the spirit of the national building of this country.

Sen. M. Kajwang': Mr. Speaker, Sir, I would like to join you in welcoming the pathfinders who have come to the Senate. I am an Adventist just like Sen. Cherarkey. For me to get to where I am, I attribute it to the church and the teachings of the church and particularly my membership of the pathfinder's club.

Pathfinders tend to be the children who are approaching the teen age up to the age of 18. This is one of the best innovations that the Adventist Church has come up with. This is because it exposes the children to the word of God. It also brings them together

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and teaches them to be upright citizens. I encourage the pathfinders that leadership is not only in politics. You can also be leaders in the church, in faith or various professions. I urge you to continue listening to your teachers and parents because the Bible says that the knowledge of God is the beginning of what?

Hon. Senators: Wisdom!

Sen. M. Kajwang’: I was testing these Senators whether they were in pathfinders or just scouts. I believe pathfinders are scouts with a religious orientation because they are taught everything that scouts are taught, but above all, they are taught how to believe in God, respect their parents and be responsible citizens.

I wish you well. The future is bright. I hope some of you will also become political leaders like Sen. M. Kajwang’ who was once a pathfinder and is now a Senator.

Sen. (Dr.) Khalwale: On a point of clarification, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of clarification, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, while you were away last week, on Order No.7, the then Temporary Speaker, Sen. Abdul Haji, made a ruling under Standing Order No.121(2)(b). Sen. Abdul Haji while in the chair, ordered the Senator of Nandi County out of the House. My attention was drawn to the fact that no sooner had the Senator been ordered out than he went to the media centre and addressed the Press.

I therefore would like you to guide us, under Standing Order No.122 on Gross Disorderly Conduct, whether the Senator of Nandi County, by staying in the precincts of this Parliament, did or did not defy a ruling of the Chairperson.

The Speaker (Hon. Kingi): Thank you, Sen. (Dr.) Khalwale. I will deliver my ruling tomorrow at 2.30 p.m.

Hon. Senators, at this juncture, allow me to re arrange the sequence of today’s Order Paper because of the convenience of this House. We will straight away move to prosecute Order Nos. 8, 9, 10, 11,12 and 13. This is business that is due for division.

Clerk, kindly, proceed to call those orders at a go.

MOTION

ADOPTION OF REPORT ON THE APPLICATION FOR THE CONFERMENT OF CITY STATUS TO THE MUNICIPALITY OF ELDORET

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret laid on the table of the Senate on Wednesday, September 20, 2023 and pursuant to Section 8(6) of the Urban Areas and Cities Act, 2011 the Senate approves the conferment of City status to the Municipality of Eldoret.

(Sen. Onyonka on 5.10.2023)

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(Resumption of debate interrupted on 19.10.2023)

(Division)

BILLS

Second Reading

THE EQUALIZATION FUND APPROPRIATION BILL
(SENATE BILLS NO.30 OF 2023)

(Sen. Tabitha Mutinda on 18.10.2023)

(Resumption of debate interrupted on 18.10.2023)

(Division)

Second Reading

THE CARE AND PROTECTION OF CHILD PARENTS BILL
(SENATE BILLS NO.29 OF 2023)

(Sen. Miraj on 19.10.2023)

(Resumption of debate interrupted on 16.11.2023)

(Division)

Second Reading

THE COFFEE BILL (SENATE BILLS NO.10 OF 2023)

(Sen. (Dr.) Murango on 16.11.2023)

(Resumption of debate interrupted on 22.11.2023 Afternoon sitting)

(Division)

Second Reading

THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL
(SENATE BILLS NO. 12 OF 2023)

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(Sen. Cherarkey on 31. 10.2023)

(Resumption of debate interrupted on 23.11.2023)

(Division)

Second Reading

THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL
(NATIONAL ASSEMBLY BILLS NO.21 OF 2023)

(Sen. (Dr.) Khalwale on 22. 11.2023 – Afternoon sitting)

(Resumption of debate interrupted on 23.11.2023)

(Division)

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly ring the Division Bell for two minutes.

(The Division Bell was rung)

Serjeant-at-Arms, kindly close the doors and draw the Bar.

(The Bars were drawn and the doors closed)

Hon. Senators, kindly take your seats so that we get down to business.

Sen. (Dr.) Lelegwe Ltumbesi, kindly take your seat.

Hon. Senators, I will proceed straightaway to put the question on Order No.8, on the Report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret.

Hon. Senators, this matter concerns counties. Therefore, voting shall be by delegations. We are going to vote electronically. At this juncture, kindly log out by pulling out your delegate---

*(Sen. Cherarkey and Sen. (Dr.) Lelegwe
Ltumbesi stood up in their places)*

You may proceed to your seats, Sen. Cherarkey and Sen. (Dr.) Lelegwe.

Hon. Senators, kindly pull out your card from the delegate units.

Serjeant-at-Arms, look around and pull out any card that is still in the delegate unit.

(Sen. Cheruiyot consulted loudly)

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It is for neatness, Senate Majority Leader. We do not want to rig. We need to be at our best when we are voting.

Serjeant-at-Arms, give us a nod if you have pulled out the cards that are not attended. Are we good?

(The Serjeant-at-Arms nodded)

Hon. Senators, log back and proceed to vote either 'Yes,' 'No' or 'Abstain.'
Kindly proceed.

(Sen. Kavindu Muthama stood up at her place)

Sen. Kavindu Muthama, you have under 60 seconds. So, settle down.

(Hon. Senators proceeded to vote)

Hon. Senators, kindly take your seats, so that we move to the next Order.

I will proceed to put the Question on Order No.9.

Kindly proceed to vote 'Yes,' 'No,' or 'Abstain.' Clerk, is there a problem with the system? Clerk, is there any hope that we will back on air or do we just go manual?

(The Clerk-at-the-Table consulted with the Speaker)

Hon. Senators, let us do manual on this one as they work on the system, so that we do not waste time.

Hon. Cherarkey, please, proceed.

Sen. Cherarkey: Mr. Speaker, Sir, with a lot respect, it is time that you called us to a *kamukunji* because this system has been collapsing for the last one month.

(Applause)

If it is not this system, it is the pathetic state of our offices. We should not appear to be crying in front of the public. Kindly invite us, we sit and agree on the way forward. Even if it means suspending foreign trips to acquire a system for efficiency, so be it.

The Speaker (Hon. Kingi): That is noted. Let us proceed. Let us have two Tellers, one for the 'Noes' and one for the 'Ayes'.

Sen. Cheruiyot, please proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I suggest that for ease of transaction of the business ahead of us, we can put all the votes up to Order No.13 when a Member rises, since we are voting manually and we have done this before. This is my humble request.

The Speaker (Hon. Kingi): Hon. Senators, we are going by Roll Call. If your name is called, you will come and vote for all the Orders that are due for Division. I will do that for housekeeping. That is the *modus operandi* that we are going to adopt.

Sen. Murgor, please, take your seat, so that I put all the Questions. I had put the Question in relation to Order No.10.

I will now move to put the Question each for Orders No.10, 11, 12 and 13.

Hon. Senators, we will vote by a way of Roll Call. Once your name is called out please come to the Dispatch Table and vote for all the five Bills, that is, Order Nos.9, 10, 11, 12 and 13.

(Hon. Senators proceeded to vote by Roll Call)

The Speaker (Hon. Kingi): Just come to the Dispatch Table because the microphones are not working. Can the microphone be put on for the hon. Senator, please?

(Voting in progress)

Just try your microphones. I am told that the system is back, so you do not have to make a journey to the Dispatch Table. If it is not working, then you will have to come to the Dispatch Table.

(Voting in progress)

MOTION

ADOPTION OF REPORT ON THE APPLICATION FOR
THE CONFERMENT OF CITY STATUS TO THE
MUNICIPALITY OF ELDORET

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret, laid on the table of the Senate on Wednesday, September 20, 2023 and, pursuant to Section 8(6) of the Urban Areas and Cities Act, 2011, the Senate approves the conferment of city status to the Municipality of Eldoret)

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale,

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Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County and Sen. Wamatinga, Nyeri County.

NOES: Nil.

The Speaker (Hon. Kingi): Order, Hon. Senators. Now, the results of the division are in and they are as follow-

AYES: 28

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(The Question was carried by 28 votes to Nil)

BILLS

Second Reading

THE EQUALIZATION FUND APPROPRIATION BILL
(SENATE BILLS NO.30 OF 2023)

DIVISION

ROLL CALL VOTING

(Question, that the Equalization Fund Appropriation Bill (Senate Bills No.30 of 2023) be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga

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County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. (Prof.) Tom Odhiambo Ojienda, SC Kisumu County and Sen. Wamatinga, Nyeri County.

Teller of the Ayes: Sen. Miraj.

NOES: Nil

Teller of the Noes: Sen. Betty Montet.

The Speaker (Sen. Kingi): Hon. Senators, the results of the Division are as follows-

AYES: 30

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 30 votes to Nil)

(The Bill was read a Second Time and Committed to a Committee of the Whole tomorrow)

Second Reading

THE CARE AND PROTECTION OF CHILD PARENTS BILL
(SENATE BILLS NO.29 OF 2023)

DIVISION

ROLL CALL VOTING

(Question, that the Care and Protection of Child Parents Bill (Senate Bills No.29 of 2023) be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. (Prof.) Tom Odhiambo Ojienda, SC Kisumu County and Sen. Wamatinga, Nyeri County.

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Teller of the Ayes: Sen. Miraj.

NOES: Nil

Teller of the Noes: Sen. Betty Montet.

The Speaker (Sen. Kingi): Hon. Senators, the results of the Division are as follows-

AYES: 30

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 30 votes to Nil)

(The Bill was read a Second Time and Committed to a Committee of the Whole tomorrow)

Second Reading

THE COFFEE BILL (SENATE BILLS NO.10 OF 2023)

DIVISION

ROLL CALL VOTING

(Question, that the Coffee Bill (Senate Bills No.10 of 2023) be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. (Prof.) Tom Odhiambo Ojienda, SC Kisumu County and Sen. Wamatinga, Nyeri County.

Teller of the Ayes: Sen. Miraj.

NOES: Nil

Teller of the Noes: Sen. Betty Montet.

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The Speaker (Sen. Kingi): Hon. Senators, the results of the Division are as follows-

AYES: 30

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 30 votes to Nil)

(The Bill was read a Second Time and Committed to a Committee of the Whole tomorrow)

Second Reading

THE PREVENTION OF LIVESTOCK AND PRODUCE
THEFT BILL (SENATE BILLS NO. 12 OF 2023)

DIVISION

ROLL CALL VOTING

(Question, that the Prevention of Livestock and Produce Theft Bill (Senate Bills No.12 of 2023) be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. (Prof.) Tom Odhiambo Ojienda, SC Kisumu County and Sen. Wamatinga, Nyeri County.

Teller of the Ayes: Sen. Miraj.

NOES: Nil .

Teller of the Noes: Sen. Betty Montet.

The Speaker (Sen. Kingi): Hon. Senators, the results of the Division are as follows-

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AYES: 30
NOES: 0
ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 30 votes to Nil)

*(The Bill was read a Second Time and Committed
to a Committee of the Whole tomorrow)*

Second Reading

THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL
(NATIONAL ASSEMBLY BILLS NO.21 OF 2023)

DIVISION

ROLL CALL VOTING

(Question, that the Food and Feed Safety Control Co-ordination Bill (National Assembly Bills No.21 of 2023) be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Joe Nyutu, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. (Prof.) Tom Odhiambo Ojienda, SC Kisumu County and Sen. Wamatinga, Nyeri County.

Teller of the Ayes: Sen. Miraj

NOES: Nil

Teller of the Noes: Sen. Betty Montet

The Speaker (Sen. Kingi): Hon. Senators, the results of the Division are as follows-

AYES: 30

NOES: 0

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ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 30 votes to Nil)

*(The Bill was read a Second Time and Committed
to a Committee of the Whole tomorrow)*

The Speaker (Hon. Kingi): Thank you, Hon. Senators. Now, I direct the Serjeant-At-Arms to withdraw the bar and open the doors.

(The Bars were undrawn and the Doors opened)

The next session is the Committee of the Whole, so we still need your numbers. Kindly, hon. Senators, let us conclude this business today.
Clerk, kindly proceed to call the next order, please.

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Speaker (Hon. Kingi) left the Chair]

IN THE COMMITTEE

[The Temporary Speaker (Sen. Mumma) in the Chair]

The Temporary Chairperson (Sen. Mumma): Sen. Seki, kindly approach the Dispatch Box.

(Sen. Seki approached the Dispatch Box)

THE COUNTY LICENSING (UNIFORM PROCEDURE)
BILL (SENATE BILLS NO.9 OF 2022)

The Temporary Chairperson (Sen. Mumma): Hon. Senators, we are now moving to the County Licensing (Uniform Procedure) Bill (Senate Bills No.9 of 2022). We will navigate the clauses and then move to division later.

Clause 3

(Question that Clause 3 be part of the Bill proposed)

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The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 4

The Temporary Chairperson (Sen. Mumma): Mover to move the amendments.
Sen. Seki proceed.

Sen. Seki: Madam Temporary Chairperson. I beg to move-
THAT Clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d) -

(e) establishing and implementing a system that designates different codes for the different categories of licenses issued by that authority.

The Temporary Chairperson (Sen. Mumma): Chairperson you may approach the Dispatch Box.

(Sen. Seki approached the Dispatch Box)

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 5

(Question that Clause 5 be part of the Bill proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 6

Sen. Seki: Madam Temporary Chairperson. I beg to move-
THAT Clause 6 of the Bill be amended by-

(a) inserting the words “producers, suppliers and service providers” immediately after the words “rights of consumers” appearing in paragraph (a); and

(b) inserting the following new paragraph immediately after paragraph (e) -

(f) ensure that each category of the licenses offered by the county government is designated a unique code.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 7, 8, 9, 10, 11, 12, 13, 14 and 15

*(Question that Clause 7,8,9,10,11,12,13, 14 and 15
be part of the Bill proposed)*

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The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 16

Sen. Seki: Madam Temporary Chairperson. I beg to move-
THAT Clause 16 of the Bill be amended in subclause (3) by inserting the following new paragraph immediately after paragraph (a)-
(aa) the code of the category of the license.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 17, 18,19,20,21 and 22

*(Question that Clause 17,18,19,20,21 and 22 be part
of the Bill proposed)*

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 23

Sen. Seki: Madam Temporary Chairperson, I beg to move-
THAT Clause 23 of the Bill be amended in subclause (3) by inserting the following new paragraph immediately after paragraph (b)-
(c) make the register accessible to the public online.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 24

Sen. Seki: Madam Temporary Chairperson, I beg to move-
THAT Clause 24 of the Bill be amended by inserting the following new subclause immediately after subclause (5)-

(6) Pursuant to section 20(1)(a) and (c) of the Intergovernmental Relations Act, the Council of County Governors shall provide a platform for consultation and collaboration by county governments in –

(a) establishing a system to facilitate the effective implementation of this Act; and
(b) establishing and implementing harmonised processes for issuance of licenses and imposition of fees where goods are transported across different counties.

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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 25, 26 and 27

*(Question, that Clause 25, 26 and
27 be part of the Bill proposed)*

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 28

Sen. Seki: Madam Temporary Chairperson. I beg to move-
THAT clause 28 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (c) –

(ca) a coding system for all categories of licences issued by the county government.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end. Can the Mover approach the Dispatch Box?

(Sen. Seki approached the Dispatch Box)

New Clause 26 (A)

Sen. Seki: Thank you, Madam Temporary Chairperson. I beg to move –

THAT the Bill be amended by inserting the following new clause immediately after clause 26 -

Breach of the Act 26A. A person who contravenes a provision of this Act commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months or to both.

(Question of the New Clause 26(A) proposed)

(New Clause 26(A) read the First Time)

*(Question, that the New Clause 26(A) be read a
Second Time proposed)*

(Question, that the New Clause 26(A) be part of the

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Bill proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 2, the Title and Clause 1

*(Question that Clause 2, the Title and Clause 1
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Where is the Senate Majority Leader? Senate Minority Leader Sen. Madzayo and Sen. (Dr.) Khalwale, kindly approach the Chair.

(Sen. (Dr) Khalwale and Sen. Madzayo consulted with the Chair)

Hon. Senators, after consultations we have deferred the Division to Clauses on the County Licensing (Uniform Procedure) Bill (Senate Bills No.9 of 2022).

(Division deferred)

We will report progress on this Bill. Mover, proceed.

Sen. (Dr.) Khalwale: Madam Temporary Chairperson, pursuant to Standing Order No.153 I beg to move that the Committee of the Whole do report progress on its consideration of the County Licensing (Uniform Procedure) Bill (Senate Bills No.9 of 2022) and seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

THE AGRICULTURAL AND LIVESTOCK EXTENSION
SERVICES BILL (SENATE BILLS NO.12 OF 2022)

The Temporary Chairperson (Sen. Mumma): Hon. Senators, we will now move to the next Bill, The Agricultural and Livestock Extension Services Bill (Senate Bills No.12 of 2022). Sen. Wamatinga, approach the Chair.

(Sen. Wamatinga consulted with the Chair)

[The Temporary Chairperson (Sen. Mumma) left the Chair]

[The Temporary Chairperson (Sen. Abdul Haji) in the Chair]

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The Temporary Chairperson (Sen. Abdul Haji): Sen. Wamatinga, proceed to move the amendments on behalf of the Chairperson Committee on Agriculture, Livestock and Fisheries.

Clause 3

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 3 of the Bill be amended in paragraph (e) by deleting the words “services industry” appearing immediately after the words “in the extension” and substituting, therefore, the word “service”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 4

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 4 of the Bill be amended by deleting subclause (2) and substituting therefore the following new subclause -

(2) In developing the National Extension Services Policy, the Cabinet Secretary shall have regard to -

(a) the need for an effective management and implementation structure at the national and county levels of government in order to ensure the effective development of the extension services;

(b) adequate capacity development by imparting skills, knowledge and practices in support of players in the extension services sector;

(c) the effective participation of stakeholders and communities at the national and county levels of government;

(d) the development of appropriate strategies and mechanisms at the national and county levels of government necessary to support the development of extension services;

(e) the need to have a mechanism to monitor and evaluate the implementation of the policy in the development and regulation of the extension services;

(f) the resources required at the national and county levels of government for the effective implementation of the policy; and

(g) the capacity-building programmes and strategies needed to be carried out to ensure that extension services providers are able to respond to the needs identified for the implementation of the policy.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 5

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Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move-
 THAT Clause 5 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclauses -

(1) Each county executive committee member shall formulate and publish, in the Gazette, a county-specific extension services strategy.

(2) In formulating the strategy take into account the national agricultural and livestock policy formulated by the Cabinet Secretary under section 4.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 6 and 7

(Question, that Clauses 6 and 7 be part of the Bill, proposed)

Clause 8

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move –
 THAT clause 8 of the Bill be deleted and substituted therefor with the following new clause -

Functions of
 the service.

8. (1) The functions of the Service shall be to-

enhance the competitiveness of the agriculture and livestock industry in Kenya in an increasingly competitive environment;

increase the long-term productivity of agriculture and livestock industry in Kenya while maintaining and enhancing the natural resource base on which the national and county government's agricultural economy depend on;

develop new uses and products for agricultural commodities and develop alternative production methods for the production of new crops; and

improve risk management in the agriculture and livestock industry in Kenya.

(2) In the performance of its functions under subsection (1), the Service shall –

(a) support the provision of agricultural research on extension services to promote economic opportunities in rural communities and meet the demand for information and technology transfer throughout the agriculture industry in Kenya;

(b) collaborate with county governments in -

(i) improving the coordination and planning of agricultural research,

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- extension and training programs;
- (ii) identifying needs and establishing priorities for programs under subparagraph (i);
 - (iii) realising the implementation of national agricultural research, extension and training objectives in the respective counties; and
 - (iv) ensuring that the results of agricultural research are effectively communicated and demonstrated to users including farmers, processors, handlers, consumers who can benefit from them;
- (c) maintain and disseminate information on standards for the supply of nutritious and safe food by the county governments;
- (d) facilitate the transfer of technology;
- (e) encourage the use of information communication and technology by developing and packaging information in simple, easily accessible digital systems;
- (f) collaborate with international entities in order to leverage on resources, priority food and agricultural interests including addressing emerging plant and animal diseases, improving crop varieties and animal breeds and developing safe, efficient and nutritious food systems;
- (g) mobilise resources at the national level of government for investment in development and implementation of extension service programs in the counties;
- (h) develop and coordinate intergovernmental relation mechanisms in the delivery of services related to extension services;
- (i) provide technical assistance and capacity building to the county governments on matters relating to extension services;
- (j) approve institutions for the training of extension services; and
- (k) establish, approve and accredit programs for continuing professional development programs.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 9

(Question that Clause 9 be part of the Bill proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 10

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 10 of the Bill be amended -

- (i) in subclause (2) by inserting the expression “(a)” immediately after the words

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“under subsection (1)”; and
(ii) by renumbering subclause (4) as subclause (3).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 11

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 11 of the Bill be amended in subclause (1) by -
(i) inserting the expression “(a)” immediately after the words “under section 10(1)” appearing in the introductory clause; and
(ii) inserting the words “in agriculture or a related field” immediately after the words “holds a degree” appearing at the beginning of paragraph (b).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 12 and 13

(Question, that Clauses 12 and 13 be part of the Bill, proposed)

Division will be at the end.

Clause 14

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 14 of the Bill be amended in subclause (1)(i) by deleting the word “sector” appearing immediately after the words “players in the” and substituting therefor the word “industry.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 15-25

*(Question, that Clauses 15, 16, 17, 18, 19, 20, 21, 22, 23, 24
and 25 be part of the Bill, proposed)*

Division will be at the end.

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Clause 26

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move- THAT Clause 26 of the Bill be amended in—

(a) subclause (1) by –

(i) deleting the word “sector” appearing immediately after the words “the extension services” in paragraph (a);

(ii) deleting the word “industry” appearing immediately after the words “on extension services” in paragraph (c);

(iii) deleting the word “sector” appearing immediately after the words “the extension services” in paragraph (e); and

(b) subclause (2) by deleting the words “the permits” appearing immediately after the words “applications for” in paragraph (b) and substituting therefor the word “registration.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 27, 28 and 29

(Question, that Clause 27, 28 and 29 be part of the Bill, proposed)

Division will be at the end.

Clause 30

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move- THAT Clause 30 of the Bill be amended in –

(a) subclause (1) by deleting the word “yearly” appearing immediately after the words “year and the” and substituting therefor the word “annual”; and

(b) subclause (2) by deleting the words “to him” appearing immediately after the words “and statements submitted.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 31 and 32

(Question, that Clauses 31 and 32 be part of the Bill, proposed)

Division will be at the end.

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Clause 33

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 33 of the Bill be amended by-

- (a) renumbering the existing provision as subclause (1); and
- (b) inserting the following new subclause immediately after subclause (1).
(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may prescribe the minimum standards with regard to the -
- (a) training of extension services officers;
- (b) professional qualifications of extension services officers;
- (c) certification and registration with respect to extension services; and
- (d) remuneration of extension services officers.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end. Sen. Wamatinga, please approach the desk.

*(Sen. Wamatinga approached the Dispatch Box
and consulted the Chair)*

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move-
THAT the Bill be amended by inserting the following new Clauses immediately after Clause 26

New Clause 26A

26A (1) A county public service board shall competitively recruit and appoint such extension services officers as it may consider necessary for the proper and efficient implementation of this Act.

Recruitment of
extension
services officers

(2) In recruiting the extension services officers under subsection (1), the county service board shall ensure that sufficient officers are recruited and deployed at the grassroot level.

(3) Each county government shall provide the necessary infrastructure and funds necessary for the implementation of extension services within the county.

(Question of the New Clause 26A proposed)

(New Clause 26A read the First Time)

*(Question, that the New Clause 26A be read a
Second Time, proposed)*

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(Question, that the New Clause 26A be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 26B

26B (1) A person is qualified for employment as an extension services officer if the person holds a certificate in an extension services related course from a tertiary institution recognized in Kenya.

Qualification for extension services officers.

(2) A County government may through legislation, prescribe additional qualifications as it may deem necessary.

(Question of the New Clause 26B proposed)

(New Clause 26B read the First Time)

(Question, that the New Clause 26B be read a Second Time, proposed)

(Question, that the New Clause 26B be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 26C

26C (1) An extension services officer or a private entity that intends to provide extension services, shall register with the respective county government in which they intend to provide the services.

Registration of extension services officers.

(2) An extension service officer or private entity shall furnish the officer appointed under section 26D (3) with change of details within seven days of the occurrence of the change.

(Question of the New Clause 26C proposed)

(New Clause 26C read the First Time)

(Question, that the New Clause 26C be read a Second Time proposed)

(Question, that the New Clause 26C be part of the Bill, proposed)

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The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 26D

26D. (1) Each county executive committee member shall keep and maintain a register of —
(a) extension service officers registered in the respective county; and
(b) private entities providing extension services in the respective county.

Register of extension services providers.

(2) The register under subsection (1) shall include the following—
(a) in the case of an extension service officer—
(i) name
(ii) identification details as per the identification document;
(iii) contact details;
(iv) qualifications;
(v) information on current status of employment; and
(vi) such other information as the county executive committee member shall prescribe in county legislation.
(b) in the case of a private entity—
(i) name of the entity;
(ii) number and details of extension officers employed by the entity;
(iii) area of specialty; and
(iv) location of the office headquarters and branches if any.
(3) The County executive committee member shall designate a public officer within the county public service as a registrar to keep and maintain the register under subsection (1).

(Question of the New Clause 26D proposed)

(New Clause 26D read the First Time)

(Question, that the New Clause 26D be read a Second Time, proposed)

(Question, that the New Clause 26D be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 26E

26E. (1) Each county executive committee member shall publish on a website maintained by the county government and on such other platform as the committee member may consider appropriate, information

Publicizing extension services.

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on the—

(a) extension services available in the county; and

(b) extension services officers delivering the services within the county.

(2) The information published under subsection (1) shall include—

(a) emerging pest and diseases that may affect crops and livestock in the county;

(b) the major challenges faced by farmers and the action required to prevent or mitigate such challenges;

(c) the preventive and curative measures available to the farmers;

(d) information about resources available to support farmers within the County; and

(e) such other information relating to extension services that the county executive committee member may consider necessary.

(3) The information under subsection (1) shall be accessible to the residents of the county and shall be published in a format that is easy to understand.

(Question of the New Clause 26E proposed)

(New Clause 26E read the First Time)

*(Question, that the New Clause 26E be read a
Second Time, proposed)*

*(Question, that the New Clause 26E be part of the
Bill, proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 32A

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move—

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

32A. A person offering extension services shall adhere to such procedures, standards, code of ethics and guidelines as may be prescribed under this Act or any other written law.

(Question of the New Clause 32A proposed)

(New Clause 32A read the First Time)

*(Question, that the New Clause 32A be read a
Second Time, proposed)*

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(Question, that the New Clause 32A be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

The Schedule

(Question, that the Schedule be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 2, the Title and Clause 1

(Question, that Clause 2, the Title and Clause 1 be part of the Bill, proposed)

Division will be at the end.

(Loud Consultations)

I call upon Sen. Tabitha Mutinda to move the Bill.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Chairman, Sir. Pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of the Agricultural and Livestock Extension Services Bill (Senate Bills No.12/2022) and seeks leave to sit again tomorrow.

The Temporary Chairperson (Sen. Abdul Haji): Hon. Senators, after consulting with the House Leadership, we have agreed that we will go through all the Bills and Division will be later on, today.

Next Order.

Hon. Senators, we are moving to the next Bill, the Mung Beans Bill (Senate Bills No. 13 of 2022).

THE MUNG BEANS BILL (SENATE
BILLS NO.13 OF 2022)

Clauses 3, 4, 5 and 6

(Question, that Clauses 3, 4, 5 and 6 be part of the Bill, proposed)

Division will be at the end.

Clause 7

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Clause 11

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move:
THAT Clause 11 of the Bill be amended in paragraph (a) by inserting the words “in agriculture, trade or finance” immediately after the words “holds a degree”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clause 12

(Question, that Clause 12 be part of the Bill, proposed)

Division will be at the end.

Clause 13

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 13 of the Bill be amended in sub-clause (1) by inserting the words “responsible for matters relating to trade” immediately after the words “committee member.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 14

(Question, that Clause 14 be part of the Bill, proposed)

Division will be at the end.

Clause 15

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 15 of the Bill be amended in sub-clause (3)(d) by inserting the words “responsible for matters relating to trade” immediately after the words “committee member.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

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Clause 16

- Sen. Wamatinga:** Mr. Temporary Chairman, Sir, I beg to move- THAT Clause 16 of the Bill be amended-
- (a) by re-numbering the introductory clause as sub-clause (1);
 - (b) by inserting the words “responsible for matters relating to trade” immediately after the words “committee member” in the new re-numbered sub-clause (1).
 - (c) in subclause (2) by inserting the words “responsible for matters relating to trade” immediately after the words “committee member”.
 - (d) in subclause (3) by inserting the words “responsible for matters relating to trade” immediately after the words “committee member”.
 - (e) in subclause (4) by inserting the words “responsible for matters relating to trade” immediately after the words “committee member.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 17 and 18

(Question, that Clauses 17 and 18 be part of the Bill, proposed)

Division will be at the end.

Clause 19

- Sen. Wamatinga:** Mr. Temporary Chairman, Sir, I beg to move- THAT Clause 19 of the Bill be amended-
- (a) in sub-clause (2) by inserting the words “responsible for matters relating to trade” immediately after the words “committee member”.
 - (b) by deleting sub-clause (3) and substituting therefor the following new subclause-
 - (3) A county executive committee member shall furnish the Authority with information on all growers registered in the county, on the fifth day of every month.
 - (c) by inserting the following new sub-clause immediately after sub-clause (3) –
 - (5) A county executive committee member responsible for matters relating to trade shall furnish the Authority with information on licences issued, cancelled or renewed in the county, on the fifth day of every month.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 20, 21, 22, 23 and 24

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(Question, that Clauses 20, 21, 22, 23 and 24 be part of the Bill, proposed)

Division will be at the end.

New Clause 22A

The Temporary Chairperson (Sen. Abdul Haji): Mover to move that new Clause. 22A be now read a second time.

Sen. Wamatinga: Mr. Temporary Chairman, Sir, I beg to move that the Bill be amended by inserting the following new clause immediately after Clause 22A.

Safeguard
measures

22A. (1) Subject to the regional and international trade agreements to which Kenya is a party, all mung beans imports into the country shall be subject to the prevailing import duties, taxes and other tariffs and such imports shall be controlled by the Authority.

(2) The Cabinet Secretary shall implement such safeguard measures as may be necessary to protect the industry from unfair trade practices.

(Question of the New Clause 22A proposed)

(New Clause 22A read the First Time)

(Question, that the New Clause 22A be read a Second Time, proposed)

(Question, that the New Clause 22A be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 2, the Title and Clause 1

(Question, that Clause 2, the Title and Clause 1 be part of the Bill, proposed)

Division will be at the end.

We are now moving to the next Bill, the Start-Up Bill (Senate Bills No. 14 of 2022).

THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)

Clause 3

The Temporary Chairperson (Sen. Abdul Haji): Sen. Seki, Standing Committee on Tourism, Trade and Industrialization.

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 3 of the Bill be amended by inserting the following new paragraph immediately after paragraph (f) –

(g) to ensure that all persons, irrespective of their gender, status or ethnicity, are afforded an equal opportunity to establish and benefit from their innovations.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 4

The Temporary Chairperson (Sen. Abdul Haji): Sen. Seki, please proceed.

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 4 of the Bill be amended–

(a) in subclause (1) by inserting the words “between entities registered under this Act to achieve increased innovation, economic growth and better access to new technologies” immediately after the words “of technology innovation” appearing in paragraph (b);

(b) in subclause (2) by -

(i) deleting the words “incubators into the” appearing immediately after the words “and admission of” in paragraph (c) and substituting therefor the words “start-ups into”; and

(ii) deleting the words “entities from” appearing immediately after the words “enable access to” in paragraph (h) and substituting, therefore, the words “incubation programs by.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 5

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move -

THAT Clause 5 of the Bill be amended in subclause (2) by deleting the word “entities,” appearing immediately after the words “the evaluation of” in paragraph (c) and substituting, therefore, the words “start-ups, incubation.”

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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 6 and 7

(Question, that Clause 6 and 7 be part of the Bill, proposed)

Division will be at the end.

Clause 8

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 8 of the Bill be amended—

(a) in subclause (1) by-

(i) deleting paragraph (b) and substituting therefor the following new paragraph -

(b) is newly registered or has been in existence for a period of not more than five years from the date of its incorporation or registration;

(ii) deleting the words “is wholly” appearing before the words “owned by one” in paragraph (g) and substituting therefor the words “has at least of ninety percent of its shares”;

(iii) deleting paragraph (i); and

(b) by inserting the following new subclause immediately after subclause (2) -

(3) The registrar or county executive committee member, as the case may be, may waive the requirement for registration under subsection (1)(a) where –

(a) that person has an innovative product or service;

(b) that person exhibits that they do not have the financial capability to register an entity in compliance with subsection (1)(a); and

(c) the registrar is satisfied that the innovation is suitable for registration as a start-up and will benefit from admission into an incubation programme.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 9

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 9 be amended by inserting the following new subclause after subclause (2) -

(2A) A person eligible for admission into an incubation programme pursuant to section 8(3) shall not be required to provide the information under subsection (2)(a)(iv), (v), (vi) and (vii) and (2)(c).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 10 and 11

(Question, that Clause 10 and 11 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 12

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 12 of the Bill be amended in subclause (1) by deleting the words “admission into an incubation programme” appearing immediately after the words “The certificate of” in the introductory clause and substituting therefor with the words “registration.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 13

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 13 of the Bill be amended in subclause (1) by deleting the words “an unlawful purpose or used for a purpose incompatible with public interest” appearing immediately after the words “be pursued for” in paragraph (d) and substituting thereof with the words “a purpose contrary to any written law.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 14, 15, 16, 17, 18, 19, 20, and 21

*(Question, that Clauses 14, 15, 16, 17, 18, 19, 20,
and 21 be part of the Bill, proposed)*

Division will be at the end.

Clause 22

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-

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- THAT, Clause 22 of the Bill be amended in paragraph (b) by-
- (a) deleting the word “accounting” appearing immediately after the word “maintain” and substituting therfor the words “financial records” and
 - (b) inserting the words “annual financial records and” immediately after the words “and submit its”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 23

- Sen. Seki:** Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 23 of the Bill be amended -
- (a) in paragraph (c) by inserting the words “physical and virtual” immediately before the words “facilities, suitable to” in subparagraph (i); and
 - (b) by inserting the following new paragraphs immediately after paragraph (f) –
 - (g) meets the prescribed occupational safety conditions under the Occupational Safety and Health Act; and
 - (h) has no history of violation of human rights.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 24

- Sen. Seki:** Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 24 of the Bill be amended in subclause (2) by inserting the words “owned by the incubator and the start-ups admitted to its incubation programme” immediately after the words “intellectual property rights” in paragraph (j)

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 25

(Question, that Clause 25 be part of the Bill, proposed)

Division will be at the end.

Clause 26

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 26 of the Bill be amended by –

- (a) deleting paragraph (a) and substituting therefor the following new paragraph -
(a) support start-ups that are developing or delivering innovative products or services that solve a specific problem or fulfill a market need;
- (b) deleting paragraph (f) and substituting therefor the following new paragraph -
(f) equip startups with skills in raising capital and marketing their products;
- (c) deleting paragraph (i) and substituting therefor the following new paragraph -
(i) support and facilitate the transfer of technology from research institutions and to the relevant startups;
- (d) inserting the following new paragraph immediately after paragraph (i) –
(ia) provide remote support services to startups.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 27

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 27 of the Bill be amended –

- (a) by renumbering the existing provision as subclause (1);
- (b) in the renumbered subclause (1) by inserting the following new paragraph immediately after paragraph (e) -
(f) implement fiscal and non-fiscal incentives that target women, persons with disability, and marginalized groups;
- (c) by inserting the following new subclause immediately after the renumbered subclause (1) –
(2) The Cabinet Secretary responsible for finance shall, in consultation with the Cabinet Secretary, prescribe a mechanism for the provision and administration of fiscal and non-fiscal incentives under subsection (1) within one year from the commencement of this Act.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 28

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 28 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (c) –

(d) the prioritization of women, marginalized groups and rural populations in the provision of financial support.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 29

(Question, that Clause 29 be part of the Bill, proposed)

Division will be at the end.

Clause 30

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 30 of the Bill be amended in subclause (1) by inserting the words “relating to the start-up’s product or service” immediately after the words “intellectual property rights.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 31

(Question, that Clause 31 be part of the Bill, proposed)

Division will be at the end.

Clause 32

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 32 of the Bill be amended by inserting the following new subclause immediately after subclause (2) -

(3) The Cabinet Secretary shall publish the regulations under subsection (1) within one year from the date of commencement of the Act.

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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 33

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 33 of the Bill be amended in sub-clause 2 by inserting the following new paragraph immediately after paragraph (k)-

(l) for registration of entities and admission into incubation programmes.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 34

(Question, that Clause 31 be part of the Bill, proposed)

Division will be at the end.

Clause 2

Sen. Seki: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 2 of the Bill be amended –

(a) in the definition of the word “startup” by deleting the words “and a disruptive economic model” appearing immediately after the words “strong growth potential” and substituting therefor the words “intended to develop and deliver innovative products or services that solve a specific problem or fulfil a market need”;

(b) by deleting the definition of the word “startup incubator” appearing immediately after the definition of the word “cabinet secretary”; and

(c) by inserting the following new definition immediately after the definition of the word “non-governmental organization” –

“registrar” means a person appointed as a registrar under section 6(2) of this Act.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

The Title and Clause 1

*(Question, that the Title and Clause 1 be
part of the Bill, proposed)*

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Division will be at the end.

THE PERSONS WITH DISABILITIES BILL
(SENATE BILLS NO. 7 OF 2023)

The Temporary Chairperson (Sen. Abdul Haji): We are now moving to the next Bill.

Clause 3

(Question, that Clause 3 be part of the Bill, proposed)

Division at the end.

Clause 4

Sen. Murgor: Mr. Temporary Chairperson, I beg to move-
THAT, Clause 4 of the Bill be amended by inserting the following paragraphs immediately after paragraph (m) –

(n) provide capacity building, funding and technical assistance to the county governments on all matters relating to persons with disabilities;

(o) consult county governments on any matter relating to persons with disabilities that affect the functions and powers of county governments; and

(p) develop programmes for care givers of persons with disabilities on specialised training, counselling and economic development.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 5

Sen. Murgor: Mr. Temporary Chairperson, I beg to move-
THAT, Clause 5 of the Bill be amended in subclause 2 (c) by deleting the word “establish” appearing in the introductory part of the subclause and substituting therefor the words “liaise with the Council to maintain”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 6,7,8,9,10,11,12, and 13

(Question, that Clauses 6,7,8,9,10,11,12 and

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13 be part of the Bill, proposed)

Division at the end.

Clause 14

Sen. Murgor: Mr. Temporary Chairperson, I beg to move-
THAT, Clause 14 of the Bill be amended in subclause (1) by inserting the words
“free of charge” at the end of the subclause.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 15,16,17,18 and 19

*(Question, that Clauses 15,16,17,18 and 19
be part of the Bill, proposed)*

Division at the end.

Clause 20

Sen. Murgor: Mr. Temporary Chairperson, I beg to Move-
THAT, Clause 20 (8) (c) of the Bill be amended by deleting subparagraph (vi)
and substituting therefor the following paragraph –
(vi) introduction of Kenyan Sign language courses in all learning and training
institutions.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 21,22 and 23

*(Question, that Clauses 21,22 and 23 be
part of the Bill, proposed)*

Division at the end.

Clause 24

Sen. Murgor: Mr. Temporary Chairperson, I beg to move-
THAT, Clause 24 of the Bill be amended by–

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- (a) deleting subclause (7) and substituting therefor the following -
(7) The national and county governments shall ensure that all health institutions have an adequate number of Kenyan Sign language interpreters in their institutional structures; and
(b) inserting the following new subclause immediately after subclause (7) –
(7A) Every person with a disability has the right to access health care on the basis of free and informed consent.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 25

(Question, that Clause 25 be part of the Bill, proposed)

Division at the end.

Clause 26

- Sen. Murgor:** Mr. Temporary Chairperson, I beg to move-
THAT, Clause 26 of the Bill be amended –
(a) in subclause (3) by inserting the words “and private” immediately after the word “Public”;
(b) in subclause (4) by inserting the words “and private” immediately after the word “public”;
(c) in subclause (5) by inserting the words “and private” immediately after the word “public”; and
(d) by deleting subclause (9) and substituting therefor the following subclause –
(9) All public and private institutions of higher learning shall have a common course in Kenyan Sign language.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 27 and 28

*(Question, that Clauses 27 and 28
be part of the Bill, proposed)*

Division at the end.

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Clause 29

Sen. Murgor: Mr. Temporary Chairperson, I beg to move- THAT, Clause 29 of the Bill be amended –

(a) in subclause (1) by inserting the words “at the” immediately after the words “cultural activities”; and

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

(1A) Every person with disability shall be entitled to use recreational or sports facilities owned or operated by the national and county governments, free of charge.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 30

(Question, that Clause 30 be part of the Bill, proposed)

Division at the end.

Clause 31

Sen. Murgor: Mr. Temporary Chairperson, I beg to move- THAT, Clause 31 of the Bill be amended by inserting the following new subclause immediately after subclause (5) –

(5A) The Council shall consult and collaborate with the county governments and other Government regulatory agencies in exercise of its functions under this section.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 32, 33, 34, 35, 36, 37, 38, 39,40,41 and 42

(Question, that Clauses 32, 33, 34, 35, 36 ,37 ,38, 39, 40 ,41 and 42 be part of the Bill, proposed)

Division at the end.

Clause 43

Sen. Crystal Asige: Mr. Temporary Chairperson, I beg to move-

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THAT, Clause 43 of the Bill be amended in subclause (1) by deleting the word “three” appearing immediately after the words “for a term of” and substituting therefor the word “five”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Chairperson.

The Temporary Chairperson (Sen. Abdul Haji): What is your point of order, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Mr. Temporary Chairperson, it is on an issue of procedure. These clauses that Sen. Crystal Asige has just segmented, I thought procedure would require that she moves that amendment. She has neither moved the amendment nor provided justification for the same.

The Temporary Chairperson (Sen. Abdul Haji): Sen. (Dr.) Khalwale, I can respond to that. We have done the same for all the Bills. The amendments have been circulated and are on the Order Paper. So, they do not have to move them. We will move them while we go for Division. That happens the same with Sen. Murgor and Sen. Wamatinga with the other Bill. It has been circulated and is on the Order Paper. So, she does not have to do that.

Sen. (Dr.) Khalwale: Mr. Temporary Chairperson, because of the challenges that Sen. Crystal Asige has, I had special attention for her amendments. Therefore, it does not mean that I was disrupting her. I just wanted her to be a better legislator to know that procedure requires one moves the amendment.

The Temporary Chairperson (Sen. Abdul Haji): You are correct, Sen. (Dr.) Khalwale. Ordinarily, that is how we should have proceeded. However, we have condensed the matter and are trying to manage time. That is why we are going this way.

Clause 44

(Question, that Clause 44 be part of the Bill, proposed)

Division at the end.

Clause 45

Sen. Crystal Asige: Mr. Temporary Chairperson, I beg to move-

THAT, Clause 45 of the Bill be amended in subclause (4) by deleting the word “three” appearing immediately after the words “for a term of” and substituting therefor the word “five”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

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Clauses 46, 47, 48, 49, 50, 51, 52, 53 and 54

*(Question, that Clauses 46, 47, 48, 49, 50, 51, 52, 53 and 54
be part of the Bill, Proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clause 55

Proceed, Sen. Crystal Asige.

Sen. Crystal Asige: Mr. Temporary Chairperson, I beg to move-
THAT, Clause 55 be amended by inserting the following new subclause
immediately after subclause (2) -

(3) subject to subsection (2) above, if an assessment demonstrates that an
individual has a permanent disability, that person will be exempt from future
assessments.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clauses 56, 57, 58 and 59

*(Question, that Clauses 56, 57, 58 and 59 be part
of the Bill, proposed)*

Division at the end.

Clause 60

The Temporary Chairperson (Sen. Abdul Haji): Proceed, Sen. Murgor.

Sen. Murgor: I beg to move-
THAT, Clause 60 of the Bill be amended in subclause (2) by inserting the
following new paragraph immediately after paragraph (j)-
(k) reasonable accommodation.

(Question of the amendment proposed)

Division at the end.

Clause 61

(Question, that Clause 61 be part of the Bill, proposed)

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Division at the end

Clause 62

The Temporary Chairperson (Sen. Abdul Haji): Proceed, Sen. Murgor.
Sen. Murgor: Mr. Temporary Chairman, I beg to move:
 THAT, Clause 62 of the Bill be amended by deleting subclause (2).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clauses 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84

(Question, that Clauses 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.
 The Chairperson Standing Committee on Labour and Social Welfare, Sen. Murgor, please, approach the Table.

(Sen. Murgor approached the Chair)

New Clause 78(A)

The Temporary Chairperson (Sen. Abdul Haji): Proceed, Sen. Murgor.
Sen. Murgor: I beg to move-
 THAT, the Bill be amended by inserting the following new clause immediately after Clause 78 -

Consultation
 between the
 National and
 county
 governments.

78A. (1) The national and county governments shall perform their functions and powers under this Act on the basis of consultation and cooperation.

(2) The Council shall, in carrying out its functions under this Act, consult the council of County Governors on any matter that affects the functions and powers of county governments.

(Question of the New Clause 78A proposed)

(New Clause 78A read the First Time)

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*(Question, that the New Clause 78A be read a
Second Time proposed)*

*(Question, that the New Clause 78A be part of the
Bill proposed)*

Division at the end.

New Clause 84 A

Proceed, Sen. Murgor

Sen. Murgor: Mr. Temporary Chairperson, I beg to withdraw the following amendment.

THAT, the Bill be amended by inserting the following new clause immediately after Clause 84 –

Abolishment of the National Fund for the Disabled of Kenya.

84A. (1) The National Fund for the Disabled of Kenya established under the Trustees (Perpetual Succession) Act is hereby abolished.

(2) Notwithstanding subsection (1), the National Fund for the Disabled of Kenya shall be merged with the National Development Fund for Persons with Disabilities established under section 32 of the Persons with Disabilities Act, No. 14 of 2003.

(3) The National Fund for the Disabled in Kenya shall continue to be administered by the Board of Trustees of the National Development Fund for Persons with Disabilities until the National Development Fund for Persons with Disabilities is re-established by the Cabinet Secretary responsible for matters relating to finance through regulations made under the Public Finance Management Act, No. 18 of 2012.

(4) The provisions of section 84 (1) shall, with modifications, apply to the abolished National Fund for the Disabled of Kenya.

The Temporary Chairperson (Sen. Abdul Haji): The proposed amendment, New Clause 84 A is hereby dropped.

(Proposed New Clause 84 A dropped)

Clause 2

Proceed, Sen. Murgor.

Sen. Murgor: I beg to move-

THAT, Clause 2 of the Bill be amended by inserting the following definition immediately after the definition of the term “assistive devices”—

"building" means any structure or erection and any part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted;

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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

The Title and Clause 1

(Question, that the Title and Clause 1 be part of the Bill, proposed)

Division at the end.

Hon. Senators, we are now moving to the next Bill.

THE KENYAN SIGN LANGUAGE BILL
(SENATE BILLS NO.9 OF 2023)

The Temporary Chairperson (Sen. Abdul Haji): Is the Chairperson of Education present? Sen. Seki?

(Sen. (Dr.) Khalwale approached the Chair)

Sen. Kavindu Muthama, please, approach the desk. *Kuja tu*, the mace is down.

(Sen. Kavindu Muthama approached the Chair)

(Sen. Tobiko approached the Chair)

Clause 3

(Question, that Clause 3 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 4

Sen. Tobiko, please, proceed on behalf of the Chairperson, Committee on Education.

Sen. Tobiko: Mr. Temporary Chairperson, Sir, I beg to move-

THAT, Clause 4 of the Bill be amended in subclause (2) by deleting the words "The community of deaf persons" appearing at the beginning of the subclause and substituting therefor the words "The Deaf community".

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

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Clause 5

(Question, that Clause 5 be part of the Bill, proposed)

Division will be at the end.

Clause 6

Sen. Tobiko: Mr. Temporary Chairperson, Sir, I beg to move-
THAT, Clause 6 of the Bill be amended -

(a) in subclause (1) by deleting the words “Signed English” appearing immediately after the words “to use Kenyan” in paragraph (d) and substituting therefor the words “Sign Language”; and

(b) in subclause (2) by deleting the words “signed English” appearing immediately after the words “to use Kenyan” and substituting therefor the words “Sign Language”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 7

Sen. Tobiko: Sen. Tobiko: Mr. Temporary Chairperson, Sir, I beg to move-
THAT, Clause 7 of the Bill be amended in –

(a) paragraph (f) by deleting the words “institutions of education for the deaf cater for” appearing at the beginning of the paragraph and substituting therefor the words “ensure that educational institutions for the Deaf provide”; and

(b) paragraph (h) by deleting the word “recognized” appearing immediately after the words “who are attending” and substituting therefor the word “public”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 8

(Question, that Clause 8 be part of the Bill, proposed)

Division will be at the end.

Clause 9

Sen. Tobiko: Mr. Temporary Chairperson Sir, I beg to move-

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THAT, the Bill be amended by deleting Clause 9.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 10

Sen. Tobiko: Mr. Temporary Chairperson Sir, I beg to move-

THAT, Clause 10 of the Bill be amended in subclause (1) by deleting the words “National Accreditation Agency” appearing immediately after the words “with the Kenya” and substituting therefor the word “Accreditation Service”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 11

(Question that Clause 11 be part of the Bill, proposed)

Division will be at the end.

Clause 12

Sen. Tobiko: Mr. Temporary Chairperson, Sir, I beg to Move-

THAT, the Bill be amended in clause 12 by deleting subclause (2) and substituting therefor the following new subclause –

(2) A person shall be nominated as a registrar under subsection (1) if that person –

(a) is a citizen of Kenya;

(b) holds a degree in social sciences or its equivalent from a university recognized in Kenya;

(c) has at least five years’ experience in Kenyan sign language proficiency; and

(d) meets the requirements of Chapter Six of the Constitution.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 13, 14, 15, 16, 17 and 18

*(Question, that Clauses 13, 14, 15, 16, 17 and 18
be part of the Bill, proposed)*

Division will be at the end.

Clause 19

Sen. Tobiko: Mr. Temporary Chairperson, Sir, I beg to move-
THAT the Bill be amended by deleting clause 19 and substituting therefor the following new clause –
Action plan. 19.

(1) The Cabinet Secretary shall, in consultation with the most representative registered association for the Deaf, National Council for Persons with Disabilities and the Council of County Governors develop a Kenyan Sign language action plan twelve months upon the commencement of this Act.

(2) A plan developed under subsection (1) shall include –

(a) an assessment of the accessibility of National and county government services by members of the Deaf community; and

(b) a statement on the actions proposed to be taken by National and county governments so as to take into consideration the needs of the Deaf community in delivery of services.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 20

(Question, that Clause 20 be part of the Bill, proposed)

Division will be at the end.

Clause 2

Sen. Tobiko: Mr. Temporary Chairperson, Sir, I beg to Move-
THAT, Clause 2 of the Bill be amended by deleting –
(a) the definition of the term “Kenya signed English”; and
(b) the definition of the term “Kenya sign language” and substituting therefor the following new definition —

“Kenyan Sign Language” means the sign language used by the Deaf community and includes other types of language like Kenyan Signed English, pidgin, cued speech, contact sign language for the Deaf blind and other sign language-based medium of communication as may emerge from time to time to meet unique needs of the Deaf community.

(Question of the amendment proposed)

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The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

The Title and Clause 1

(Question, that the Title and Clause 1 be part of the Bill, Proposed)

Division will be at the end.

Hon. Senators, we will now go to Division. I request the Serjeant-at-Arms to ring the Division Bell for 10 minutes.

(The Division Bell was rung)

The Temporary Chairperson (Sen. Abdul Haji): Sen. Mwaruma, please approach the Chair.

(Sen. Mwaruma approached the Chair)

(The Division Bell was rung)

The Temporary Chairperson (Sen. Abdul Haji): Hon. Senators, we do not seem to have quorum to go to Division. We will, therefore, report progress. So, I call upon the Mover for The County Licensing Uniform Procedure Bill (Senate Bills No.9 of 2022), Sen. (Dr.) Khalwale, to move that we report progress.

Sen. (Dr.) Khalwale: Mr. Temporary Chairperson, Sir, I beg to move that we report progress.

The Temporary Chairperson (Sen. Abdul Haji): Approach the desk, Sen. (Dr.) Khalwale.

(Sen. (Dr.) Khalwale approached the Dispatch Box and consulted with the Temporary Chairperson)

Sen. (Dr.) Khalwale: Mr. Temporary Chairperson, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of The County Licensing Uniform Procedures Bill (Senate Bills No.9 of 2022) and seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Abdul Haji): We move to the next Bill, The Agriculture and Livestock Extension Service Bill (Senate Bills No.12 of 2022).

Mover, Sen. Tabitha Mutinda.

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Sen. Tabitha Mutinda: Mr. Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of The Agricultural and Livestock Extension Services Bill (Senate Bills. No.12 of 2022) and its approval thereof with amendments.

The Temporary Chairperson (Sen. Abdul Haji): Sen. Tabitha Mutinda, approach the desk.

(Sen. Tabitha Mutinda approached Dispatch Box and consulted with the Temporary Chairperson)

Sen. Tabitha Mutinda, I call upon you to move again.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Chairperson, Sir. Pursuant to Standing Order No.153, I beg to move that the Committee do report progress on its consideration of The Agricultural and Livestock Extension Services Bill (Senate Bills No.12 of 2022) and seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Abdul Haji): The next Bill is The Mung Beans Bill (Senate Bills No.13 of 2022).

Sen. Mwaruma, on behalf of the Chairperson.

Sen. Mwaruma: Thank you, Mr. Temporary Chairperson, Sir. Pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of The Mung Beans Bill (Senate Bills No.13 of 2022) and seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Abdul Haji): Next Bill, The Start-Up Bill (Senate Bills No.14 of 2022).

The Mover, Sen. Crystal Asige.

Sen. Crystal Asige: Mr. Temporary Chairman, Sir, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of The Start-Up Bill (Senate Bills No.14 of 2022) and seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

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The Temporary Chairperson (Sen. Abdul Haji): The next Bill is The Persons with Disability Bill (Senate Bills No.7 of 2023).

The Mover, Sen. Crystal Asige, you may proceed.

Sen. Crystal Asige: Mr. Temporary Chairman, Sir, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of The Persons with Disability Bill (Senate Bills No.7 of 2023) and seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Abdul Haji): The next Bill, The Kenyan Sign Language Bill (Senate Bills No.9 of 2023).

Mover, Sen. (Prof.) Kamar, you may proceed.

Sen. (Prof.) Kamar: Mr. Temporary Chairman, Sir, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration on The Kenyan Sign Language Bill (Senate Bills No.9 of 2023) and seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Deputy Speaker (Sen. Kathuri) in the Chair]

PROGRESS REPORTED

THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO.9 OF 2022)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we are now reporting progress on all the Bills, starting with the County Licensing (Uniform Procedure) Bill (Senate Bills No.9 of 2022).

Proceed, the Chairperson, Sen. Abdul Haji.

Sen. Abdul Haji: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The County Licensing (Uniform Procedure) Bill (Senate Bills No.9 of 2022) and seeks leave to sit again tomorrow.

The Deputy Speaker (Sen. Kathuri): The Mover, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I beg to move that the House do agree with the Committee on the said report.

The Deputy Speaker (Sen. Kathuri): Who is seconding?

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Sen. Sifuna: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

THE AGRICULTURAL AND LIVESTOCK EXTENSION
SERVICES BILL (SENATE BILLS NO.12 OF 2022)

The Deputy Speaker (Sen. Kathuri): The second Bill is The Agricultural and Livestock Extension Services Bill (Senate Bills No.12 of 2022).

Proceed, Chairperson.

Sen. Abdul Haji: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Agricultural and Livestock Extension Services Bill (Senate Bills No.12 of 2022) and seeks leave to sit again tomorrow.

The Deputy Speaker (Sen. Kathuri): The Mover, Sen. Tabitha Mutinda, is not in the House. The Majority Whip, you can move on her behalf.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I beg to move that the House do agree with the Committee on the said report.

The Deputy Speaker (Sen. Kathuri): Who is your seconder?

Sen. Mungatana.

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, I beg to second.

The Deputy Speaker (Sen. Kathuri): Thank you.

(Question proposed)

(Question put and agreed to)

THE MUNG BEANS BILL (SENATE
BILLS NO. 13 OF 2022)

The Deputy Speaker (Sen. Kathuri): Now, we go to The Mung Beans Bill (Senate Bills No.13 of 2022).

Proceed, the Chairperson.

Sen. Abdul Haji: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Mung Beans Bill (Senate Bills No.13 of 2022) and seeks leave to sit again tomorrow.

The Deputy Speaker (Sen. Kathuri): The Mover.

Sen. Mwaruma: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

I request Sen. Ogola to second.

The Deputy Speaker (Sen. Kathuri): Sen. Ogola.

Sen. Ogola: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

THE START-UP BILL (SENATE
BILLS NO.14 OF 2022)

The Deputy Speaker (Sen. Kathuri): Now, we go to The Start-Up Bill (Senate Bills No.14 of 2022).

The Chairperson, you may proceed.

Sen. Abdul Haji: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Start-Up Bill (Senate Bills No.14 of 2022) and seeks leave to sit again tomorrow.

The Deputy Speaker (Sen. Kathuri): Mover, Sen. Crystal Asige.

Sen. Crystal Asige: Thank you, Mr. Deputy Speaker, Sir. I beg to Move that the House do agree with the Committee on the said report.

I call upon Sen. Sifuna to second.

Sen. Sifuna: Thank you, Mr. Deputy Speaker, Sir. I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): We move to The Persons with Disabilities Bill (Senate Bills No.7 of 2023).

Chairperson, proceed.

THE PERSONS WITH DISABILITIES BILL
(SENATE BILLS NO.7 OF 2023)

Sen. Abdul Haji: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Persons with Disabilities Bill (Senate Bills No.7 of 2023) and seeks leave to sit again tomorrow.

The Deputy Speaker (Sen. Kathuri): Mover, Sen. Crystal Asige.

Sen. Crystal Asige: Thank you, Mr. Deputy Speaker, Sir. I beg to Move that the House do agree with the Committee on the said report.

I call upon Sen. Sifuna to second.

Sen. Sifuna: Thank you, Mr. Deputy Speaker, Sir. I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): We move to the last one, The Kenyan Sign Language Bill (Senate Bills No.9 of 2023).

Chairperson proceed.

THE KENYAN SIGN LANGUAGE BILL
(SENATE BILLS NO. 9 OF 2023)

Sen. Abdul Haji: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Kenya Sign Language Bill (Senate Bills No. 9 of 2023) and seeks leave to sit again tomorrow.

The Deputy Speaker (Sen. Kathuri): Mover, Sen. (Prof.) Kamar.

Sen. (Prof.) Kamar: Thank you, Mr. Deputy Speaker, Sir. I beg to Move that the House do agree with the Committee on the said report.

I call upon Sen. Crystal Asige to second.

The Deputy Speaker (Sen. Kathuri): Sen. Crystal Asige, proceed.

Sen. Crystal Asige: Thank you, Mr. Deputy Speaker, Sir. I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Clerk, let us move to the next Order.

MOTIONS

REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

NOTING THAT the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

COGNIZANT THAT the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavorable as a result of the high cost of living, lowered earnings from the App providers and high interest rates;

NOW THEREFORE the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

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(Sen. Wamatinga on 1.11.2023)

(Resumption of debate interrupted on 1.11.2023)

The Deputy Speaker (Sen. Kathuri): In the last sitting, Sen. (Dr.) Oburu had a balance of 11 minutes. If he is in the Chamber, he can take advantage of this. If not, any other Senator can contribute to this Motion.

Looking at my dashboard, there is no other Senator interested. So, I will request the Mover to reply.

Proceed, Sen. Wamatinga.

Sen. Wamatinga: Thank you, Mr. Deputy Speaker, Sir. I beg to reply to the Motion.

Mr. Deputy Speaker, Sir, we are all aware that Kenyans are going through very hard economic times. This is not limited to Kenya alone. It is a global trend where there is a downward trajectory of economic growth.

The matters are further complicated by the ever-fluctuating exchange rates and the Dollar swing that is working to the disadvantage of the local currency. The cost of living is going up by the day. Therefore, there are limited income sources, especially for the young generation, most of whom are in the *boda boda* business. They do not have any option and are left without any means of livelihoods. Most of their assets have been repossessed and many have ended up in broken marriages. Some of them have been forced into situations that have led into depression. This is a clear indicator of the increase in suicide rate, especially among young men in Kenya.

It is time we relook at the Banking Act, so that Kenyans are cushioned against downward trends, especially by external factors that they have no control of. The war in Ukraine, COVID-19 and the long drought that our country faced left most businesses at the mercy of their financiers. This has seen the livelihoods of many young entrepreneurs taken away because of the insensitivity of our banking sector.

For example, Ghana in West Africa has come up with an enterprise development fund that is specifically designed for young entrepreneurs. They do not have to pay expensive loans to the banks. Today, the banking charges in Kenya are as high as 20 per cent.

I would like to thank the Government of President William Samoei Ruto for specifically coming up with the Hustler Fund. During the Presidential debate, he pointed out that it needs to be enhanced, so that it can move to asset financing. This will be a highly welcome move because it will cushion the small enterprises and young entrepreneurs, the *boda boda* operators. People will even want to migrate from *boda boda* to other means of transport such as the *Matatu* industry. They will have a way of accessing financing without having to pay the expensive rates charged by banks. Most importantly, they will not be required to come up with other forms of security that most young people do not have. The way the Banking Act was conceptualized, it envisaged a situation where everybody had a title deed. We know that most of the title deeds are in the possession of the older generation. This leaves the younger generation, who have

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good ideas and are courageous, to start a business without a fallback position because they lack title deeds.

As it was noted by many Members who contributed to this Motion, it is important that a country moves with the changing times. Majority of the young generation live in the urban setup. They are born and brought up in apartments, which they do not have title deeds for. It is time we redesign and relook at the Banking Act, so that the younger generation, who would want to start up businesses, can access these finances.

In many countries, incubation services are offered as a joint service between the Government and private enterprises, mostly the learning institutions. It is high time we came up with a concept where the institutions of higher learning come up with research centers that would incubate young entrepreneurs, so that they can make mistakes without losing their livelihoods.

Many people who ride *boda bodas* acquired them on loan. Once they cannot pay regardless of whether they have spent 50 or 80 per cent of the asset financing, they must pay storage charges. Unfortunately, they lost both the asset and the deposit they had paid. It is unfair for someone to pay a deposit of 30 per cent, contributing about 60 per cent of repayment, the asset is repossessed and the individual loses everything.

Suppose we want to grow an economy driven by the young generation. In that case, we should create laws that encourage the young generation to venture into businesses without making it overly expensive for them.

As Members of this House noted, we should develop an institution like the Industrial and Commercial Development Corporation (ICDC), which could finance business proposals by coupling investors with people with ideas. This would be the only way to move this country forward.

As Parliament, we should develop working legal frameworks that will encourage young entrepreneurs who need sources of funds to have access to capital to establish businesses. We have to fight unemployment, which is one of the biggest challenges in this country.

As I conclude, I want to urge my colleagues to sit down and discuss unemployment. A possible way of curing it is bringing young people into self-employment. This cannot happen with the current law as constituted. We should come up with changes in the law to facilitate Kenyans to move the country forward and help the young generation get opportunities.

I beg to reply.

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Next Order.

ADOPTION OF REPORT ON THE PROLIFERATION
OF RELIGIOUS ORGANISATIONS

THAT, the Senate adopts the Report of the Ad-Hoc Committee to investigate the proliferation of religious organisations and circumstances leading to

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more than 95 deaths in Shakahola, Kilifi County laid on the Table of the Senate on Thursday, 19th October, 2023.

(Sen. Mungatana on 23.11.2023)

(Resumption of debate interrupted on 23.11.2023)

The Deputy Speaker (Sen. Kathuri): The Mover of this Motion, Sen. Mungatana who was chairing the *Ad Hoc* Committee has a balance of 25 minutes. I call upon him to utilize his time.

Sen. Mungatana, MGH: Thank you, Mr. Deputy Speaker, Sir. I do not intend to use all that time. I had laid the foundation for the recommendations that we came up with as a Committee. I also explained some of the difficulties and challenges we underwent in the process of collecting information and executing our mandate.

Having dealt with the foundations, I will now wish to deal with the recommendations that this Committee came up with. The Committee recommends that-

(1) The Director of Criminal Investigations (DCI) expeditiously investigates the atrocious and heinous actions committed by Mr. Paul Mackenzie with a view to recommending his prosecution within 30 days of the adoption of this report by the Senate.

(2) The Director of Public Prosecutions to prosecute Paul Mackenzie following receipt of the report from the Director of Criminal Investigations.

(3) Any individual directly or indirectly connected with, aided, or abetted the atrocious and heinous actions committed by Paul Mackenzie be investigated by the Director of Criminal Investigations with a view to recommending their prosecution to the Director of Public Prosecution within 30 days of the adoption of this report by the Senate.

(4) The Director of Criminal Investigations in conjunction with the Department of Immigration and the Ministry of Foreign Affairs investigates any foreign person or entity connected to the activities of Paul Mackenzie and Good News International Ministries with a view of prosecuting and/or deporting said person and preventing their future entry into the Republic of Kenya within 60 days of the adoption of this report by the Senate.

(5) The Director of Criminal Investigations in conjunction with the Department of Immigration and the Ministry of Foreign Affairs investigates, with a view to expel from the Republic of Kenya, any foreign person or entity advancing the doctrines or activities of the entity/group/religious outfit known as 'A Voice in the Desert' also known as 'Jesus Christians' connected to one Dave and Sherry Mackay and their associates and bar their future entry into the Republic of Kenya within 30 days of the adoption of this report by the Senate.

(6) The Cabinet Secretary for Interior and National Administration submits a progress report to the Senate on the status of investigations, number of bodies exhumed, number of autopsies conducted, the progress of DNA testing and matching, number of survivors reunited with family members, condition of survivors particularly children every 30 days from the date of adoption of this report by the Senate until the completion

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of the investigation and handing over of the final investigation report to the Director of Public Prosecutions.

(7) The Director of Public Prosecutions to pursue the prosecution of the existing charges against Paul Mackenzie as well as lodge fresh formal charges against Paul Mackenzie and other persons revealed to be culpable.

(9) The Cabinet Secretary for Interior and National Administration formulates and issues guidelines setting out criteria for identification of harmful religious doctrines and clear procedures for county security committees to monitor and expedite action on intelligence reports pertaining to individuals and religious organisations advancing harmful religious doctrines within 90 days of the adoption of this report by the Senate.

Mr. Deputy Speaker, Sir, the Committee conducted a comprehensive audit of the current legal framework, guiding registration and operation of religious organisations.

Additionally, the Committee examined other jurisdictions that have experienced violent cult incidences, including Rwanda, Uganda, France and Japan.

The Committee observed that, in order to address the current challenges and prevent a similar tragedy, it is necessary to create a responsible legal and institutional framework that does not curtail the freedom of religion guaranteed in the Constitution, but deals with the challenges that we experienced during this whole Shakahola incidence.

While many of the religious organisations that came before us opted for self-regulation, as a Committee, we also received calls for regulation. This was because of the question – “where was the Government when all this was happening?” Therefore, it is clear that the people also expect the hand of the Government in regulation without offending the provisions of freedom of worship within the Constitution.

The balance will then be between freedom of worship and public security concerns. The Committee, therefore, proposes that; The Religious Organisations Bill, 2023, annexed to this Report, comes up with a hybrid legislative framework that allows for both State and self-regulation at the same time. We have tried to balance where the Government and the state come in to answer the question – “where was the Government when all these things were happening?” However, in this legislative proposal, we have improved on how churches and all other religious organisations can do self-regulation.

The Bill will provide for the regulation of religious organisations. It will also provide for the establishment of the Office of Registrar of Religious Organisations, a framework for registration of umbrella bodies, qualifications of religious leaders, offenses and penalties for non-compliance amongst others. I do not want to go too much into what the Bill says and does not say. However, we believe that this is one of the major outputs of this Committee.

We have come up with a proper law that we will process through this Senate. Hopefully it will get concurrence with our colleagues in the National Assembly. This law then will solve the problem of the balancing between the religious freedom and public safety concerns.

Mr. Deputy Speaker, Sir, I finish by paying tribute to the victims. Our Committee expresses deep sorrow at the Shakahola tragedy. We send heartfelt condolences to the families and those who lost their loved ones in this whole tragedy. The Committee also

wishes the survivors a quick recovery. We pray that they will get back to normal life in due course.

As a country, we have the responsibility to ensure that such senseless loss of lives will never be experienced again in this country. The actions of Paul Mackenzie ought to be condemned and all appropriate measures adopted to ensure such acts are not repeated in the future.

The Committee has made a raft of recommendations to the various entities to ensure that, those who died, did not do so in vain and those who aided the crimes at Shakahola, are brought to justice.

Mr. Deputy Speaker, Sir, in this respect, the Committee has recommended that the County Government of Kilifi facilitates the Kaya Elders to conduct traditional cleansing of the Shakahola area at the appropriate time and establish a memorial, to honor those who have lost their lives.

We had an opportunity to visit the Shakahola deaths site with the County Assembly of Kilifi. They had recommended that they put up a monument. We really recommend this because it will be the monument that will remind Kenyans of this and the next generation that, never again, shall we allow religion to be used by people to hurt other Kenyans in this nation.

On behalf of the Committee, I finish by extending a vote of thanks to the Office of the Speaker of the Senate, the Rt. Hon. Amason Kingi and the office of the Clerk of the Senate, Mr. Jeremiah Nyegenye, for the support they extended to the Committee in the execution of its mandate.

When we started, we had a very limited secretariat. However, when we raised concerns, indeed, the Speaker and the Clerk responded and we got a very good and supportive Secretariat. They were - Mr. Ahmed Odhwa, Mr. Joseph Mwangi, Ms. Claire Kidombo, Mr. Simon Muinde, Mr. Mitchell Otoro, Ms. Winne Mandela, Ms. Anne Kigoro, Ms. Faith Wangui, Mr. Khatib Omar, Mr. Nathan Njenga, Mr. Abraham Oruko and Ms. Hawa Abdi.

Mr. Deputy Speaker, Sir, we are eternally grateful for the Secretariat and the work they did. The Committee extends its profound appreciation to stakeholders and members of the public that appeared before this Committee.

We also appreciate those who submitted very well researched and eloquent submissions on this matter; from Ministries, Constitutional Commissions, religious organisations, universities, the civil society to individual members of the public. We are eternally grateful for all that they gave us that made this Report to be what it is today.

I also thank the people in the Fourth Estate who ensured that the country kept updated on all the things we were doing.

With those remarks, it is now my pleasant duty and privilege on behalf of; The *Ad Hoc* Committee to Investigate the Proliferation of Religious Organisations and the Circumstances Leading to Deaths of More than 95 people in Shakahola, Kilifi County, to present this Report, pursuant to the Senate Standing Order No.223.

I beg to move that this House adopts this Report.

Mr. Deputy Speaker, Sir, allow me to call upon Sen. Tabitha Mutinda, who was a Member of this Committee, to second.

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I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Tabitha Mutinda, you may have the Floor.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. I rise to second this Motion. I was privileged to be a Member of the Shakahola Committee, an *Ad Hoc* Committee.

As a new Member, I was able to learn a lot in terms of what happens when *ad hoc* committees are set up. I appreciate all the Committee Members for their team work and the Secretariat who really walked with us through these findings.

Mr. Deputy Speaker, Sir, we had a privilege to visit Shakahola. It is a sad state for a country when you come and realize the happenings that were there; where one man, a Kenyan and none other than Paul Mackenzie, came up with his doctrine, lied to Kenyans and it ended up as the cause of death.

Mr. Deputy Speaker, Sir, before I even go there, allow me, on behalf of this Committee, to pass our heartfelt and sincere condolences to the families that lost their beloved ones and to also wish the ones still recovering quick recovery. We had an opportunity to meet with the victims directly and interacted with them. We talked to them on what really transpired. However, the shock of it was that the victims were convinced that the doctrine they were put in by Paul Mackenzie was the right one and they did not want to get out of it as much as we tried to dig at that time.

The Committee Members had an opportunity to call different stakeholders from the Ministry of Health (MoH), the National Police Service (NPS) through the Cabinet Secretary for Interior and Administration of National Government, Hon. (Prof.) Kithure Kindiki among others. There were also different church leaders for their views and opinions. We also sat with some of the relatives of the victims and they shared with us some very sad stories. This is an issue that will go down history with a lot of sadness where one man put the lives of Kenyans under the soil using his mechanisms.

Mr. Deputy Speaker, Sir, this Committee will not fail to state some of the challenges as the Chairman, Sen. Mungatana put it. As much as the institutions of our beloved country appeared before us and gave us information, we still had challenges. We requested the police who were serving in that particular station in Kilifi to appear before us, but the Cabinet Secretary was adamant that he was to appear before them.

We realized as time progressed that it is them that needed to answer because they were the ones who were on the ground for the duration this problem was there. This was challenging because we did not get the opportunity to bring out some of the issues we wanted to.

I will tell this House that we further underwent another serious challenge by the pathologist of this country, none other than Dr. Oduor. He was not able to appear before this Committee. However, with our Standing Orders, we summoned him and fined him Kshs500,000, but he stated through his communication that the Cabinet Secretary of Health, Hon. Susan Nakhumicha had instructed him to not appear before this Committee because investigations were still on-going.

Mr. Deputy Speaker, Sir, sadly, Kenyans to date are still asking where the bodies of their beloved are in order to give them a decent send-off. All that was needed was the

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report of the Deoxyribonucleic Acid (DNA). There were many challenges and delays and all we needed was to get the facts right for us to understand the delay in getting the DNA results. Up to now, there is still delay and relatives are yet to rest their beloved ones.

We had a key witness, none other than Paul Mackenzi himself, but we still faced more challenges. When a member of our secretariat team went to the prison where Paul Mackenzie is to issue the first summons, he did not get a pass, but he was given a pass the second time he went there after we put out presser. He handed the summons to Paul Mackenzie through his lawyer. The challenge was that the timeline was short, the Committee was wrapping up its work and Paul Mackenzie did not appear before us.

Some of the key witnesses like Pastor Ezekiel appeared, and the reason that the Committee went out of their way to visit Mavueni was because our time was lapsing and because this is going down in history, as a Committee, we needed to get our facts right because we had first-hand experience of the actual happenings at the Shakahola grounds.

We had seen what the relatives of the victims were going through; I had personally seen the bodies and the conditions they were in. We had an opportunity to speak to the Directorate of Criminal Investigation (DCI), to have in camera, all the videos. If you are human, if you are a leader, if you are a parent, and have an opportunity to see what truly transpired, you would go out of your way. That is what we did as a Committee.

We went out of our way; we visited Mavueni to get to understand what was happening there. Yes, we communicated and mentioned our findings. As much as the Secretariat did not accompany us, we wanted to leave history, knowing that we had an opportunity to try and get our facts right. However, we did not find the graves; we did not find some of the things that had been alleged and so, everything still came back to this one man, who today is in prison.

Mr. Deputy Speaker, Sir, it is sad because looking at the cases that Mr. Mackenzie had been arrested for, the Judiciary was very lenient for the longest time because these issues had been coming, and he was granted very minimal fines of as little as Kshs10,000, having in mind the weight of the cases that he had. Looking at the allegations of the murder of the children who had succumbed to starvation and suffocation, the court granted Mackenzie, a mere fine of Kshs10,000, and the man was free.

This man continued with evil, if that is the best word. I would use the word because what he conducted was the highest level of evilness. We still do not understand how he was able to manipulate Kenyans. Some of these Kenyans were learned, had good jobs, and had good homes, but they would go and start thatching small houses to start new families. It was quite sad.

Due to time constraints, I would want my colleagues to put a word into this. I would want to state that as a Committee, we have agreed that we are going to come up with a Bill on the regulations on churches to curb this madness that is there. There is a commercial way, evilness, radicalisation and indoctrination that is happening in this country. As a Committee, we have decided that we are going to pick up this Bill. I will not talk about it now at this time, but we will bring it.

Mr. Deputy Speaker, Sir, just to finalise, we have mentioned that we would want Shakahola to be a memorial park in the future because what lies there is just darkness.

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With those few remarks, I cannot forget to thank the Deputy Speaker, the Clerk, my Committee, and the secretariat, who put all their efforts into ensuring that we were able to get down and get the facts that were needed.

So, at this point, I beg to second.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Tabitha Mutinda.

(Question proposed)

I can see Sen. (Dr.) Khalwale intends to contribute to this. Please, proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. With a heavy heart, I rise in support of this Motion. I would like to pass my heartfelt condolences to all the victims of this heinous crime. I would like to congratulate the Committee led by the Senator of Tana River County.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, I can see that our time for this session is up. You will have a balance of 19 minutes when we resume the next sitting.

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Hon. Senators, it is now 6:30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 29th November 2023 at 9. 30 a.m.

I thank you.

The Senate rose at 6.30 p.m.