



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, JUNE 21, 2023 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. ***THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)**
(Sen. Maureen Tabitha Mutinda, MP)

(Second Reading)

*(Resumption of debate interrupted on Tuesday, 20th June, 2023)
(Division)*

9. **COMMITTEE OF THE WHOLE**
***THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)**
(Sen. Beth Syengo, MP)
10. **COMMITTEE OF THE WHOLE**
***THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)**
(Sen. Samson Cherarkey, MP)

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

(Sen. Enoch Wambua, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 20th June, 2023)

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

(Sen. Crystal Asige, MP)

(Second Reading)

13. *THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)

(The Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

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

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

(Second Reading)

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

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

(Second Reading)

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

(Sen. Samson Cherarkey, MP)

(Second Reading)

17. MOTION - RECORD OF THE PROCEEDINGS OF THE FIRST ORDINARY SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT (PAP) HELD IN GALLAGHER CONVENTION CENTRE, MIDRAND, SOUTH AFRICA ON 23RD OCTOBER – 12TH NOVEMBER, 2022.

(Sen. Danson Mungatana, MP)

THAT, the Senate notes the Record of the Proceedings of the First Ordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP) held in Gallagher Convention Centre, Midrand, South Africa on 23rd October – 12th November, 2022 laid on the Table of the Senate on Thursday, 16th February, 2023.

...../Motion

18. **MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**

(Sen. William Cheptumo, MP)

THAT AWARE THAT, cattle rustling is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT; the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling to:
 - (i) Investigate the causes of the rampant cattle rustling in the said region and the Country at large;
 - (ii) Establishes extent of loss and damage the cattle rustling has occasioned to the communities in all the affected Counties;
3. Create a special fund for mitigating the losses suffered by and in compensating all victims of cattle rustling and settle all internally displaced persons occasioned by the menace.

19. **MOTION - DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES**

(Sen. Crystal Asige, MP)

THAT AWARE THAT, Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

...../Motion

NOTING THAT the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions which if uncontrolled, will result to negative impact of climate change that will adversely affect millions of Kenyans;

CONCERNED THAT the number of private vehicles has significantly grown leading to increased road accidents, carbon emission and vehicle congestion costs which are in excess of Kshs. 100 billion in GDP per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, in collaboration with the Council of Governors, and the National Climate Change Council to;

- i.) identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas;
- ii.) provide affordable, safe and efficient public transport including but not limited to development of Bus Rapid Transport (BRT) in the urban areas;
- iii.) encourage the use of electric hybrid buses and provide appropriate incentives for their use; and
- iv.) design an infrastructure that can support non – motorized transport facilities such as pedestrian and bicycle access within urban centers; and
- v.) ensure inter-modal connectivity among the various transport modes.

NOTICE

The Senate resolved on 15th February, 2023 as follows:-

THAT, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

KEY

******- Denotes a Majority /Minority Party Bill**

*****- Denotes a National Assembly Bill**

****- Denotes a Committee Bill**

***- Denotes any other Bill**

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NOTICE OF AMENDMENTS

A. *THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)

(Sen. Beth Syengo, MP)

NOTICE is given that the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) at the Committee Stage—

CLAUSE 7

THAT clause 7 of the Bill be amended—

a) in subclause (1) by—

i. inserting the following new paragraph immediately after paragraph (b)—

(ba) the Principal Secretary responsible for matters relating to trade.

ii. deleting paragraph (d) and substituting therefor the following new paragraph—

(d) one person with knowledge of the cotton industry nominated by the Council of County governors;

iii. inserting the following new paragraph immediately after paragraph (d) —

(da) one person representing ginnerers nominated by the apex association of ginnerers;

CLAUSE 11

THAT clause 11 of the Bill be amended in subclause (1) by inserting the following new paragraphs immediately after paragraph (n)—

(na) carry out periodic research to determine and make recommendation on fair prices for cotton;

(nb) undertake research and develop suitable affordable cotton seeds in consultation with the National Biosafety Authority and other research institutions;

(nc) in collaboration with the Agricultural Development Corporation and other relevant government agencies —

...../Notice of Amendments

- (i). provide affordable equipment, farm inputs including seeds, fertilizers and pesticides to the growers; and
- (ii). design affordable crop insurance models.

CLAUSE 23

THAT clause 23 of the Bill be amended —

- a) in subclause (1) by deleting paragraph (d);
- b) in subclause (2) by inserting the following new paragraphs immediately after paragraph (k) —
 - (ka) monitor and provide technical support for the eradication of noxious and invasive weeds and report any incidences to the Board.;
 - (kb) establish cotton aggregation centres in collaboration with the national government;
 - (kc) establish cotton collection centres and storage facilities;
 - (kd) put in place programs for provision of farm machinery; and
 - (ke) provide affordable farm-inputs including quality seeds, fertilizer and other planting materials.
- c) by inserting the following subclause immediately after subclause (2) —
 - (3) The county executive committee member responsible for finance may from time to time implement such measures, including incentives in order to promote the development of the cotton industry.

CLAUSE 24

THAT clause 24 of the Bill be amended by inserting the following new subclauses immediately after subclause (1) —

(1A) Notwithstanding subsection (1), a grower who is a registered member of a cooperative society or cotton association which is registered by a county government, shall be exempted from registration by that county government.

(1B) Subsection (1A) shall apply to a grower on condition that the cooperative society or cotton association is registered in the same county as that which the grower is carrying out business.

(1C) A registered cooperative society or cotton association shall-

- (a) submit a register of its members to the respective county government at the beginning of each calendar year; and

- (b) furnish the county government with information on any change of membership within 14 days of a change of membership.

CLAUSE 25

THAT clause 25 of the Bill be amended in—

- a) subclause (1) by deleting the words “manufacture or processing of cotton products” appearing immediately after the words “engage in the “and substituting therefor the word “business of cotton ginning, spinning or value addition”
- b) Subclause (2) by deleting the words “manufacture or process cotton products” appearing immediately after the words “who intends to” and substituting therefor the words “engage in the business of cotton ginning, spinning or value addition”.

CLAUSE 32

THAT clause 32 of the Bill be amended in

- i. subclause (1) by deleting the word “products” appearing immediately after the words “seed or cotton “and substituting therefor the words “or cotton by-products”;
- ii. subclause (2) by deleting the word “products” appearing immediately after the words “or process cotton “and substituting therefor the words “ or cotton by-products”;

NEW CLAUSE 23A

THAT the Bill be amended by inserting the following new clause immediately after clause 23—

County Cotton
Development
Committee

23A. (1) Each county executive committee member in the cotton growing counties listed in the Second Schedule shall establish a Cotton Development Committee for the better carrying out of the functions under this Act.

(2) The committee shall comprise representatives of the county government, growers, ginner and any other relevant stakeholder from the county that the county executive committee member shall deem fit.

(3) The function of the committee shall be to advise the county executive committee member on matters affecting the cotton industry.

- Legal proceedings **52.** On the appointed day, all actions, suits or legal proceedings pending by or against the Agriculture and Food Authority in relation to the cotton sector shall be carried on or prosecuted by or against the Board, and no action, suit or legal proceedings shall in any manner abate or be prejudicially affected by the enactment of this Act.
- Reference to written laws. **53.** Any reference to the Agriculture and Food Authority in any written law or in any contract, document or instrument of whatever nature, in relation to cotton, shall, on the appointed day, be read and construed as a reference to the Board.
- Previous authorizations. **54.** All directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Agriculture and Food Authority in relation to cotton, and subsisting or valid immediately before the appointed day, shall be deemed to have been given, issued or made by the Authority as the case may be, under this Act.
- Staff. **55.** Any person who, at the commencement of this Act, is a member of staff of the Agriculture and Food Authority dealing with the cotton sector shall, on the appointed day, become a member of staff of the Board.

CLAUSE 2

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

- a) the definition of “chief executive officer” —

“Cotton industry” includes growers, ginnerers, spinners and cotton value addition industries.

- b) the definition of “cotton seed”

“Council of County Governors” means the Council of County Governors established under section 19 of the Intergovernmental Relations Act.

APPENDIX

1. PETITIONS

- (i) Petition to the Senate by the Nyandarua Integrated Internally Displaced Persons (IDPs) concerning delayed compensation and occupation of parcels of land bought for their settlement between 2010 and 2013.

(Sen. John Methu, MP)

- (ii) Petition to the Senate by Mr. Benson Nyaga Kagete concerning recognition and remuneration of Village Elders under the *Nyumba Kumi* initiative.

(The Speaker of the Senate)

2. PAPERS

- (i) Report of the Auditor-General on the financial statements of the West Pokot County Cooperative Development Fund for the year ended 30th June, 2022.
- (ii) Report of the Auditor-General on the financial statements of the West Pokot County -Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.
- (iii) Report of the Auditor-General on the financial statements of the Gatundu Water and Sanitation Company Limited for the year ended 30th June, 2022.

(The Senate Majority Leader)

3. NOTICE OF MOTION – ESTABLISHMENT OF AN AD HOC COMMITTEE ON THE COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES OF AMERICA EMBASSY IN NAIROBI

(Sen. Agnes Kavindu Muthama, MP)

THAT, AWARE THAT, disaster is defined as an overwhelming event and circumstance that tests the adaptation of responses of a community or individuals beyond their capability and leads momentarily to massive disruption of function for a community or individual that often exceeds their capacity to cope using existing resources;

FURTHER AWARE THAT, such was the case with the 1998 US Embassy Bomb disaster in Nairobi in which many of the Kenyan casualties resulted from the collapse of adjacent buildings located within a two to three block radius, and with reverberations being felt in most parts of Nairobi that resulted in 213 Kenyans and 12 Americans killed and over 5000 citizens of both countries being seriously injured;

...../Appendix

NOTING THAT, US Allies, including Kenya, have endured the great burden of death, and long-term and in many instances permanent, physical and psychological injury;

FURTHER NOTING THAT, the United States Government has since compensated some of the victims and families of US citizens, leaving the families of Kenyan citizens and certain other victims uncompensated;

NOW, THEREFORE, the Senate resolves to establish an Ad Hoc committee to –

- (i) engage the Ministry of Foreign and Diaspora Affairs to advance friendship and co-operation between the United States of America and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kin in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act;
- (ii) coordinate with the Ministry of Foreign and Diaspora Affairs in the engagement of victims, their personal representatives, the United States of America government and other stakeholders at home and abroad to pursue and accomplish the compensation of victims and families of the victims of Kenyan nationals; and,
- (iii) coordinate with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

and submit a report to the House within 90 days with effect from 3rd July, 2023;

AND FURTHER THAT, the following Senators be appointed to serve in the Ad Hoc committee –

1. Sen. Agnes Kavindu Muthama, MP;
2. Sen. Daniel Maanzo, MP;
3. Sen. Alexander Mundigi, MP;
4. Sen. Beatrice Ogolla, MP;
5. Sen. Johnes Mwaruma, MP;
6. Sen. Mohamed Said Chute, MP;
7. Sen. Jackson Mandago, MP;
8. Sen. William Cheptumo, MP; and,
9. Sen. Peris Tobiko, MP.

4. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 52(1)

- (i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to make a statement concerning the exemplary performance by Faith Kipyegon smashing of the Women's 5000 metres world record at the Paris Diamond League 2023.
- (ii) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to make a statement concerning the rampant fires causing destruction in markets in Nairobi City County.

b) Pursuant to Standing Order 53(1)

- (i) The Senator for Kirinyaga County (Sen. James Murango, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the expansion of Kibirigwi Irrigation Farmers Cooperative Society Limited (KIFCO) project in Kirinyaga County.
- (ii) The Senator for Laikipia County (Sen. John Kinyua, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the resettlement status of Kwambuzi squatters in Laikipia County.
- (iii) The Senator for Kiambu County (Sen. Karungo Wa Thangwa, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning security and safety measures for cab-hailing users.
- (iv) Nominated Senator (Sen. Beatrice Ogola, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the construction of water pans in Homabay County.
- (v) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the operationalization of the Commodities Fund.
- (vi) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing on the state of roads in Nandi County.

- (vii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the state of land leases in Nandi County.
- (viii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the impact of demonstrations on the economy of Kisumu County.
- (ix) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism concerning the status of the Financial Inclusion Fund and its impact on the residents of Kisumu County.
- (x) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the measures to address of the flood menace in Kisumu County.

NOTICE PAPER

Tentative Business for

Thursday, June 22, 2023

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Thursday, June 22, 2023.

A. BILLS AT THE SECOND READING STAGE

- i.) *THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)
(Sen. James Murango, MP)
- ii.) **THE EQUALIZATION FUND (ADMINISTRATION) BILL (SENATE BILLS NO. 14 OF 2023)
(The Chairperson, Standing Committee on Finance and Budget)

B. MOTIONS

- i.) REPORT OF THE 146TH ASSEMBLY OF THE INTER – PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN MANAMA, KINGDOM OF BAHRAIN FROM 11TH TO 15TH MARCH, 2023.
(Sen. Kathuri Murungi, MP)
- ii.) REGULATION OF ELECTRONIC CIGARETTES IN KENYA
(Sen. Catherine Mumma, MP)
- iii.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE EDWARD OTIENO ONYANGO DUE TO ALLEGED MEDICAL NEGLIGENCE
(The Chairperson, Standing Committee on Health)
- iv.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE MAUREEN ANYANGO AT MAMA LUCY KIBAKI HOSPITAL DUE TO ALLEGED MEDICAL NEGLIGENCE
(The Chairperson, Standing Committee on Health)
- v.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE CIRCUMSTANCES THAT LED TO THE DEATH OF THE LATE MASTER TRAVIS MAINA AT KENYATTA NATIONAL HOSPITAL
(The Chairperson, Standing Committee on Health)
