



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER
AFTERNOON SITTING
WEDNESDAY, MARCH 06, 2024 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. **MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2024 BUDGET POLICY STATEMENT**
(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2024 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 5th March, 2024, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 186 (8), the Senate, approves the 2024 Budget Policy Statement.

9. *****THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2022)**
(Sen. Samson Cherarkey, MP)

*(Second Reading
(Resumption of debate interrupted on Tuesday, 5th March, 2024)
(Division)*

10. **COMMITTEE OF THE WHOLE**
****THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)**
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
11. **COMMITTEE OF THE WHOLE**
***THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)**
(Sen. Samson Cherarkey, MP)

- 12. **COMMITTEE OF THE WHOLE**
*****THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL**
(NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)
(The Senate Majority Leader)
- 13. **COMMITTEE OF THE WHOLE**
***THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS**
NO. 29 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)
- 14. ***THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE**
BILLS NO. 38 OF 2023)
(Sen. (Dr.) Boni Khalwale, MP)

(Second Reading)

- 15. ***THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE**
BILLS NO. 39 OF 2023)
(Sen. Kathuri Murungi, MP)

(Second Reading)

- 16. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC**
ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR
GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA
BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANG’A,
NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU
COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2019/2020
(The Chairperson, County Public Accounts Committee)

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang’a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5th March, 2024.

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

NOTICE OF AMENDMENTS

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

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

NOTICE is given that, the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Coffee Bill, (Senate Bills No. 10 of 2023), at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended—

(i) by inserting the following new paragraph immediately after paragraph (a) —

(aa) regulate the coffee sector; and

(ii) in paragraph (d) by inserting the words “at the production level” immediately after the words “coffee value chain”.

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (1) by deleting the words “a Board to be known as” appearing immediately after the word “established”.

CLAUSE 6

THAT clause 6 of the Bill be amended in subclause (2) by deleting the words “create or take part in creation of, become a member of, or” appearing immediately after the words “considers it necessary,”.

CLAUSE 7

THAT Bill be amended by deleting clause (7) and substituting therefor the following new clause —

7(1) The management of the Board shall vest in a board of Board of directors consisting of— directors

(a) a chairperson appointed by the President by notice in the *Gazette*;

(b) the Principal Secretary responsible for agriculture or a designated representative;

(c) the Principal Secretary for the time being responsible for trade or a designated representative;

(d) the Principal Secretary for the time being responsible for cooperatives or a designated representative;

...../Notice of Amendments

- (e) two persons of the opposite gender, representing small-holder coffee growers nominated by the umbrella body for coffee cooperative societies’;
- (f) one person nominated by the largest association of estate growers;
- (g) two persons of the opposite gender with knowledge of the coffee industry nominated by the Council of County Governors; and
- (h) a chief executive officer appointed under section 15 who shall be an ex-officio member of the Board.

(2) The Cabinet Secretary shall appoint the members under subsection (1), (a), (e), (f) and (g) by notice in the *Gazette*.

CLAUSE 8

THAT the Bill be amended by deleting clause 8 and substituting therefor the following new clause—

8. (1) A person is qualified for appointment as a member of the Board under section 7(1)(a), (e), (f) and (g) if that person—

- (a) is a citizen of Kenya;
- (b) holds, in the case of a person appointed under –
 - (i) section 7(1)(a) and (g), a degree from a university recognized in Kenya; and
 - (ii) section 7(1)(e) and (f), a certificate in secondary school education.;
- (c) has at least three years’ experience preferably in management in the coffee sector; and
- (d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

(2) A person is not qualified for appointment to the Board if that person—

- (a) is convicted of a criminal offence and sentenced to a term of imprisonment of at least six months;
- (b) is a member of Parliament or county assembly; or
- (c) is adjudged bankrupt.

CLAUSE 9

THAT the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

9. The persons appointed under section 7(1) (a), (e), Term of (f), (g) shall serve for a term of three years renewable for appointment one further term.

CLAUSE 11

THAT clause 11 of the Bill be amended in –

- (a) subclause (1) by –
 - (i) deleting the words “board of directors” appearing immediately after the word “The” at the beginning of subclause (1) and substituting therefor the word “Board”;
 - (ii) inserting the words “as set out in the second schedule” at the end of paragraph (c);
 - (iii) deleting the words “coffee growers, nursery operators, coffee cooperative societies, coffee associations, and coffee estates in the country;” appearing immediately after the words “of coffee dealers” in paragraph (k);
 - (iv) deleting paragraph(o);
 - (v) by inserting the following new paragraphs immediately after paragraph (n) –
 - (na) regulate the marketing and trading of coffee; and
 - (nb) source markets and market Kenyan coffee in the international market”.
- (b) subclause (2) by deleting the words “board of directors” appearing at the beginning of subclause (2) and substituting therefor the word “Board”;

CLAUSE 19

THAT clause 19 of the Bill be amended by deleting the words “the Board or to any of its members” appearing immediately after the words “attach to the” and substituting therefor the words “members of the Board”.

CLAUSE 25

THAT clause 25 of Bill be amended in subclause (1) by inserting the following new paragraphs immediately after paragraph (c) —

- (d) warehouse; or
- (e) commercial coffee miller.

CLAUSE 26

THAT clause 26 of the Bill be amended by—

(a) deleting subclause (1) and substituting therefore the following new subclause—

(1) A coffee grower, nursery operator, grower miller, commercial miller, coffee roaster, cooperative society, coffee association or coffee estate shall register with the respective county government where they are based.

(b) inserting the following new subclauses immediately after subclause (1) —

(1A) Despite subsection (1), a grower who is a registered member of a coffee cooperative society or 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 association is registered in the same county as that which the grower is carrying out business;

(1C) A registered cooperative society or 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 thirty (30) days of a change of membership.

CLAUSE 29

THAT clause 29 of the Bill be amended in subclause (2) by deleting the word “the” appearing immediately after the words “brokerage services at” and substituting therefor the word “an”.

CLAUSE 31

THAT clause 31 of the Bill be amended by deleting the word “provider” appearing immediately after the words “A licence holder”.

CLAUSE 32

THAT clause 32 of the Bill be amended in subclause (6) by inserting the words “and is liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both” immediately after the words “commits an offence”.

CLAUSE 34

THAT clause 34 of the Bill be amended in subclause (2) by deleting the word “sub-regulations” appearing immediately after the words “the provision of” and substituting therefor the word “subsection”.

CLAUSE 37

THAT the Bill be amended by deleting clause 37 and substituting therefor the following new clause —

37. Where an applicant is dissatisfied with the decision of Appeals a licensing authority not to issue a licence, revoke or cancel a licence under this Act, the applicant may make an application to the Dispute Resolution Committee established under section 87.

CLAUSE 42

THAT clause 42 of the Bill be amended in subclause (9) by deleting the word “the” appearing immediately after the words “for sale in” and substituting therefor the word “an”.

CLAUSE 44

THAT clause 44 of the Bill be amended by deleting paragraph (3) and paragraph (4).

CLAUSE 45

THAT clause 45 of the Bill be amended in subclause (6) by inserting the words “and fifty” immediately after the words “remit two hundred”.

CLAUSE 46

THAT clause 46 of the Bill be amended in subclause (1) —

- (a) by deleting the word “the” appearing immediately after the words “auction in” in paragraph (a) and substituting therefor the word “an”;
- (b) by inserting the following new paragraph immediately after paragraph(b) —
 - (ba) international exchange.
- (c) by inserting the words “in consultation with county governments and the Board” immediately after the words “the Cabinet Secretary” in paragraph (c).

CLAUSE 47

THAT clause 47 of the Bill be amended —

- (a) in subclause (1) by deleting the words “and may for this purpose, sell own clean coffee to a licensed roaster for local value addition and sale” appearing immediately after the words “sale in coffee”;
- (b) by inserting the following clauses immediately after subclause (1) —
 - (1A) Before a contract for direct sale is completed, a sample of not more than 250 grams of the coffee intended for sale shall be submitted to an exchange for quality analysis and price discovery.
 - (1B) An exchange in which the sample is delivered under subclause (1) shall within fourteen days, issue to the coffee grower a report on the quality and the price discovery in the prescribed form.
 - (1C) Despite the provisions of subclause (1A) and (1B), a contract for future sales shall not be subjected to price and grade discovery at an exchange.
- (c) In subclause (3) by deleting the words “and a licenced roaster” appearing immediately after the words “licenced coffee grower” in the introductory clause.

CLAUSE 48

THAT the Bill be amended by deleting clause 48 and substituting therefor the following new clause—

- 48.** (1) The Capital Markets Authority shall licence an exchange for the purposes of trading coffee. Licencing
and
functions of
an
exchange.
- (2) An exchange shall—
 - (a) manage its auction floor, the central sample room, the information registry and the direct settlement system;
 - (b) maintain records relating to coffee sales, coffee samples and sweepings;
 - (c) avail sales catalogues to interested parties in accordance with the Capital Markets Act;
 - (d) disseminate market information for every auction and an analysis of performance on, weekly and monthly basis; and
 - (e) carry out such other function as the Cabinet Secretary for trade may prescribe.

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

CLAUSE 49

THAT clause 49 of the Bill be amended in—

- (a) subclause (2) by deleting the word “the” appearing immediately after the words “receipt endorsed by” and substituting therefor the word “an”;
- (b) by deleting subclause (3);
- (c) subclause (4) by inserting the words “and is liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both” immediately after the words “commits an offence”;
- (d) the marginal note by deleting the word “the” appearing immediately after the words “Management of” and substituting therefor the word “an”.

CLAUSE 50

THAT clause 50 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

- (1) A grower or a broker appointed by a grower shall, in the presence of a commercial miller and in consultation with an exchange, prepare a sales catalogue for all the coffee in a licenced warehouse in accordance with the Act.

CLAUSE 51

THAT clause 51 of the Bill be amended in-

- (a) in subclause (2) by deleting the words “the respective county” appearing immediately after “this act and” and substituting therefore the words “other relevant”
- (b) subclause (6) by inserting the words “and is liable, on conviction, to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both” immediately after the words “commits an offence”

CLAUSE 52

THAT clause 52 of the Bill be amended—

(i) in subclause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) notification and registration of direct sales contract, certificate of origin, certificate of quality and any other relevant approvals issued by the Board.

(ii) by deleting subclause (3) and substituting therefor the following new subclause—

(3) Clean coffee imports shall —

(a) be accompanied by the certificate of origin and phytosanitary certificate issued by the country of origin and adhere to Kenyan coffee standards; and

(b) be inspected and issued with Phytosanitary Certificate by the Kenya Plant Health Inspectorate Service.

CLAUSE 53

THAT clause 53 of the Bill be amended in subclause (2) by inserting the words “and is liable, on conviction, to a fine not exceeding twice the value of the blended coffee, or to imprisonment for a term not exceeding one year, or to both” immediately after the words “commits an offence”.

CLAUSE 55

THAT clause 55 of the Bill be amended in subclause (9) by inserting the words “in collaboration with the county governments and other relevant bodies” immediately after the words “the institute shall”.

CLAUSE 58

THAT clause 58 of the Bill be amended by—

(i) inserting the following new paragraph immediately after the introductory phrase—

(a) such monies as may be appropriated by the National Assembly for the purposes of the Board; and

(ii) renumbering the existing paragraph(a) as paragraph (aa).

CLAUSE 59

THAT the Bill be amended by deleting clause 59 and substituting therefor the following new clause—

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

Coffee
development
levy

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

- (a) thirty per centum to the Institute;
- (b) fifteen per centum to the Board for regulatory purposes;
- (c) twenty per centum for price stabilization which shall be managed by the Commodities Fund;
- (d) ten per centum to the Board for marketing purposes; and
- (e) twenty-five per centum to the county growing areas on pro-rata basis as a conditional grant for coffee development.

CLAUSE 63

THAT clause 63 of the Bill be amended by deleting the word “March” appearing immediately after the words “thirty first of” and substituting therefor the word “June”.

CLAUSE 64

THAT clause 64 of the Bill be amended in subclause (1) by inserting the words “and Training” immediately after the words “the Coffee Research”.

CLAUSE 67

THAT clause 67 of the Bill be amended —

- (a) in subclause (1) by —
 - (i) deleting the word “board” appearing immediately after the words “vest in a” in the introductory phrase and substituting therefore the word “Council”
 - (ii) deleting paragraph (a) and substituting therefore the following new paragraph —
 - (a) a chairperson of the Council appointed by the Cabinet Secretary by notice in the *Gazette*;
 - (iii) deleting paragraph (b);
 - (iv) deleting paragraph (e) and substituting therefor the following new paragraph—

(e) the Director General of the Kenya Agricultural Research Institute;

- (v) by deleting the word “Cabinet Secretary” appearing immediately after the words “coffee growers nominated” in paragraph (f) and substituting therefor the words “largest association of estate growers”;
- (vi) by deleting the words “Council of County Governors” appearing immediately after the words “nominated by the” in paragraph (g) and substituting therefor the words “umbrella body of cooperative societies”; and
- (vii) by deleting paragraph (h) and substituting therefor the following new paragraph—
 - (h) a chief executive officer appointed in accordance with section 74 who shall be an ex-officio member of the Council.

(b)) by deleting subclause (3) and substituting therefor the following new subclause—

(3) A person is qualified for appointment as a chairperson of the Council of the Institute if that person holds a post graduate degree in crop research or a related field from a university recognized in Kenya and has three years’ experience in the coffee sector.

CLAUSE 68

THAT clause 68 of the Bill be amended by deleting the expression “40 (1) (f) (g) and (h)” appearing immediately after the words “appointed under section” and substituting therefor the expression “67(a) (e) (f)(g) and (h)”

CLAUSE 69

THAT clause 69 of the Bill be amended in subclause (1) —

- (a) by deleting the word “board” appearing immediately after the words “member of the” in the introductory phrase and substituting therefor the word “Council”.
- (b) In paragraph (a) by deleting the word “board” appearing immediately after the words “meeting of the” and substituting therefor the word “Council”.

CLAUSE 70

THAT clause 70 of the Bill be amended in subclause (1) by—

- (a) inserting the following new paragraph immediately after paragraph (e) —
 - (f) develop curriculum and offer training on research findings.
- (b) by deleting the word “board” appearing immediately after the words “functions as the” in paragraph (r) and substituting therefor the word “Council”.

CLAUSE 71

THAT clause 71 of the Bill be amended by deleting the word “board” appearing immediately after the word “The” at the beginning of the clause and substituting therefor the word “Council”.

CLAUSE 72

THAT Bill be amended by deleting clause 72 and substituting therefor the following clause—

<p>72. The provisions of the First Schedule on the conduct of business and the affairs of the board of directors shall apply to the Council with necessary modifications.</p>	<p>Conduct of business of the Council of the Institute</p>
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CLAUSE 73

THAT clause 73 of the Bill be amended—

- (a) by deleting the word “board” appearing immediately after the words “members of the” and substituting therefor the word “Council”; and
- (b) in the marginal note by deleting the word “board” appearing immediately after the words “members of the” and substituting therefore the word “Council”.

CLAUSE 74

THAT clause 74 **of** the Bill be amended by deleting subclause (1) and substituting therefor the following new clause —

74. There shall be a chief executive officer of the Institute who shall be competitively recruited and appointed by the Council of the Institute on such terms and conditions as the Council shall determine.

CLAUSE 75

THAT clause 75 of the Bill be amended by deleting the word “board” appearing immediately after the word “The” at the beginning of the clause and substituting therefor the word “Council”.

CLAUSE 77

THAT clause 77 of the Bill be amended by deleting the words “institute or to any of its members” appearing immediately after the words “not attach to the” and substituting therefor the words “members of the Council”.

CLAUSE 78

THAT clause 78 of the Bill be amended by deleting the word “board” appearing immediately after the words “designated by the” and substituting therefor the word “Council”.

CLAUSE 79

THAT the Bill be amended by deleting clause 79 and substituting therefor the following new clause —

79. All letters and instruments written or made by or on behalf of the Council of the Institute, other than those required by law to be under seal, and all decisions of the Council of the Institute, shall be signed under the hand of the chief executive officer or in the absence of the chief executive officer, a person authorized by the Council of the Institute.

CLAUSE 80

THAT clause 80 of the Bill be amended by—

- (i) inserting the following new paragraph immediately after the introductory phrase—
 - (a) such monies as may be appropriated by the National Assembly for the purposes of the Institute;
- (ii) renumbering the existing paragraph(a) as paragraph (aa).

CLAUSE 81

THAT clause 81 of the Bill be amended by deleting the word “board” appearing immediately after the word “The” at the beginning of the clause and substituting therefor the word “Council”.

CLAUSE 82

THAT clause 82 of the Bill be amended by deleting the word “board” appearing immediately after the word “The” at the beginning of the clause and substituting therefor the word “Council”.

CLAUSE 86

THAT clause 86 of the Bill be amended by deleting the word “March” appearing immediately after the words “thirty first of” and substituting therefor the word “June”.

CLAUSE 87

THAT the Bill be amended by deleting clause 87 and substituting therefor the following new clause —

87.(1) Disputes related to issuance of permits, licensing, Disputes nomination of Board members or council members and Resolution other matters that may arise in the coffee sector shall be Committees resolved, in the first instance, by a Dispute Resolution Committee.

(2) Each licensing authority shall have an ad hoc Dispute Resolution Committee that consists of a chair and two other members appointed by notice in the *Gazette*, in the case of—

- (a) the Board, the Cabinet Secretary; and
- (b) the county governments, the respective governor;

(3) A member of the committee shall not be a member of a licencing authority.

(4) A dispute resolution committee may regulate its own procedure.

(5) A licencing authority shall provide secretarial services to a dispute resolution committee.

(6) The Cabinet Secretary shall make rules on the procedure for nominating members to a Dispute Resolution Committee.

(7) Decisions regarding any dispute contemplated under this section shall be made by the relevant Dispute Resolution Committee within thirty days of the hearing of the dispute in question.

(8) A person who is dissatisfied with the decision of a Dispute Resolution Committee may appeal to the High Court.

CLAUSE 88

THAT clause 88 of the Bill be amended in subclause (1) by inserting the words “a licenced exchange” immediately after the words “The Board”.

CLAUSE 89

THAT clause 89 of the Bill be amended in subclause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b)in furnishing such information, makes a statement which they know to be false, commits an offence and shall be liable, on conviction to a fine not exceeding fifty thousand shillings or to imprisonment not exceeding three months, or both.

CLAUSE 90

THAT clause 90 of the Bill be amended—

- (a) in subclause (1) by deleting the words “board of the institute” appearing immediately after the words “opinion of the” and substituting therefor the words “Council”; and
- (b) in subclause (2) by deleting the word “board” appearing immediately after the words “Consent of the” and substituting therefor the word “Council”.

CLAUSE 92

THAT clause 92 of the Bill be amended in subclause (1) by deleting the words “less than twenty” appearing immediately after the words “a fine of not” and substituting therefor the words “ more than fifty”.

CLAUSE 94

THAT clause 94 of the Bill be amended—

- (a) in subclause (1) by inserting the words “and the Council of County Governors” immediately after the words “with the Board”;
- (b) in subclause (2) by-
 - (i) deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) the forms to be used—
 - (i) in the application for registration, licensing, permits, contracts, bulking of coffee, coffee traceability and related activities;
 - (ii) to give notice to an importer on the intention to destroy coffee;
 - (iii)in submission of monthly returns to the Board by growers and roasters;
 - (iv)by a laboratory to report on quality compliance;
 - (ii) inserting the following new paragraph immediately after paragraph(k) —
 - (l) operationalization of the Direct Settlement System;

CLAUSE 96

THAT clause 96 of the Bill be amended by deleting the word “board” appearing immediately after the words “vest in the” and substituting therefor the word “Council”.

NEW CLAUSES

NEW CLAUSE 25 A

THAT the Bill be amended by inserting the following new clause immediately after clause 25—

25A. (1) The Board and county governments shall regulate the production and processing of coffee with a view of —

- (a) promoting productivity;
- (b) promoting access to markets;
- (c) facilitating provision of infrastructure including farm inputs;
- (d) providing post-harvest services;
- (e) providing extension services;
- (f) providing incentives to farmers; and
- (g) providing credit facilities.

(2) The Board and county governments shall maintain the necessary statistical information with respect to the coffee sector for proper planning.

NEW CLAUSE 44A

THAT the Bill be amended by inserting following new clauses immediately after clause 44 —

44A.

- (1) A cooperative society or a coffee union-
 - (a) shall in charging a fee to its growers, adhere to the society’s budget and not exceed ten percent of the gross earnings from the coffee sales;
 - (b) despite having a registered brokerage firm, may engage the services of a private brokerage firm; and
 - (c) may pass a resolution to borrow money;
- (2) A resolution under subsection (1) (b) and (c) shall be made at a general or special meeting convened by the commissioner for cooperative development and be supported by at least three quarters of its members.
- (3) The commissioner for cooperative development shall take and keep a record of the proceeding of the meeting, which record shall include a list of the members present and the resolutions made.

Resolutions by a cooperative society or a coffee union..

NEW CLAUSE 44B

44B. (1) Every contract for milling of coffee shall be in writing and shall contain such information as may be prescribed. Milling services

(2) A commercial miller shall –

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

NEW CLAUSES 51A

THAT the Bill be amended by inserting the following new clause immediately after clause 51-

51A. (1) A grower or an agent representing the grower may offer coffee for sale, in the prescribed manner, in an international exchange and may for this purpose enter in to a written contract for future sale. Sale of coffee in an international exchange

(2) A contract under subsection (1) shall include the following information-

- (a) the name of the exchange
- (b) the quality of coffee;

...../Notice of Amendments

- (c) the quantity of coffee ;
- (d) the mode of payment;
- (e) the mode and place of storage;
- (f) the details of insurance cover; and
- (g) a dispute resolution clause.

(3) The contract under subsection (1) shall be submitted to the Board within fourteen days of the signing of the contract.

(4) The Cabinet Secretary shall prescribe regulations on sale of coffee at the international exchange.

55B. The Board may, for the purpose of trading in Coffee trading the international coffee market and auction- licence.

- (a) issue a coffee trading licence to a grower or a buyer; and
- (b) in collaboration with the Cabinet Secretary for trade, issue trade insurance to a cooperative society to indemnify it from any risk on any coffee exported in an international market or auction.

THE FIRST SCHEDULE

THAT the first schedule to the Bill be amended —

- (a) in the title by deleting the words “OR THE BOARD OF THE INSTUTUTE” appearing immediately after the words “BOARD OF DIRECTORS”;
- (b) in paragraph (1)—
 - (i) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (1);
 - (ii) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (2);
 - (iii) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (3);
 - (iv) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (4);
 - (v) by deleting the word “respective” appearing immediately after the words “business of the” in sub- paragraph (5);

...../Notice of Amendments

(vi) by deleting sub-paragraph (6) and substituting therefor the following new sub-paragraph—

(6) The chairperson shall preside at every meeting of the board at which the chairperson is present and in the absence of the chairperson, the members of the board present shall elect one person from their number to preside over the meeting of the board and that person shall have all the powers of the chairperson.

(vii) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (7);

(viii) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (8);

(ix) by deleting sub-paragraph (9) and substituting therefor the following new sub-paragraph—

(9) Subject to provisions of this Schedule, the board may determine its own procedure and the procedure of any committee of the board and for the attendance of other persons at its meetings.

(c) in paragraph (2) —

(i) by deleting sub-paragraph (1) and substituting therefor the following new sub-paragraph—

(1) If a member of the board of directors is directly or indirectly interested in any matter before the board and is present at a meeting of the board of directors at which the matter is the subject of consideration, the member shall, at the meeting and as soon as is reasonably practicable after the commencement of the meeting, disclose the interest of the member in the matter and shall not take part in the deliberations or vote on, the matter. Disclosure of interest.

(ii) by deleting sub-paragraph (3) and substituting therefor the following new sub-paragraph—

Any contract or instrument which if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the board of directors by any person generally or specially authorized by the board of directors for that purpose.

THE SECOND SCHEDULE

THAT the Second schedule of the Bill be amended—

(i) at item no. 3 by deleting the words “warehouseman’s” appearing in the first column and substituting therefor the words “warehouse operator’s; and

(ii) by substituting item no. 7 with the following new item —

7.	Coffee trading licence	Board
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CLAUSE 2

THAT clause 2 of the Bill be amended —

(a) in the definition of the following terms—

- (i) “coffee grower” by inserting the words “is linked to a licenced pulping station,” immediately after the words “coffee in Kenya and”;
- (ii) “clearing house” by deleting the word “the” appearing immediately after the word “on behalf of “and substituting therefore the word “an”
- (iii) “sweepings” by deleting the word “the” appearing immediately after the words “for sale at “and substituting therefore the word “an”
- (iv) “Institute” by inserting the words “and Training” immediately after the words “the Coffee Research ”

(b) by deleting the definition of the term —

- (i) “broker” and substituting therefor the following new definition —
“broker” means a person cleared by an exchange and licensed by the Capital Markets Authority, who may be appointed by a grower or an association of growers in accordance with the Capital Markets Act, to sell their coffee on their behalf through an Exchange;
- (ii) “direct sale” and substituting therefor the following new definition—
“direct sale” means a contractual arrangement between a registered grower, coffee co-operative society, coffee union, grower-miller or a coffee estate and an overseas buyer for the sale of own clean coffee based on mutually accepted terms and conditions enforceable in law and includes settlement of coffee sales proceeds through the direct settlement system on- boarded by a coffee exchange.

(iii) “sales catalogue” and substituting therefor the following new definition

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

(c) by inserting the following definitions in their proper alphabetical sequence—

"buni" means coffee dried in the fruit or cherry but does not include hulled buni, also referred to as clean coffee, heavy buni or light buni;

"co-operative society" means a co-operative society registered under the Co-operative Societies Act, Cap 490; and

“Council” means the Council of the Institute as provided for under Section 67.

LONG TITLE

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

AN ACT of Parliament to provide for: the establishment of the Coffee Board of Kenya and the Coffee Research and Training Institute; the roles of the National and the county governments; the regulation, development and promotion of the coffee industry; and for connected purposes.

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

(Sen. Samson Cherarkey, MP)

NOTICE is given that the, Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Prevention of Livestock and Produce Theft Bill, 2023 (Senate Bills No. 12 of 2023), at the Committee Stage—

CLAUSE 11

THAT clause 11 of the Bill be amended in subclause (1) by inserting the words “, in consultation with the council of county governors,” immediately after the words “The Cabinet Secretary”.

CLAUSE 15

THAT clause 15 of the Bill be amended in subclause (2) by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) collaborate with the relevant investigative agencies in the recovery of stolen livestock;

CLAUSE 33

THAT clause 33 of the Bill be amended by deleting the word “years” appearing immediately after the words “than five hundred” and substituting therefor the words “thousand shillings”

CLAUSE 35

THAT clause 35 of the Bill be amended in subclause (1) by inserting the words “, in consultation with the council of governors,” immediately after the words “The Cabinet Secretary”.

NEW CLAUSE 9A

THAT the Bill be amended by inserting the following new clause immediately after clause (9)—

- Appeals. 9A. (1) A person who is aggrieved by the decision of the county executive committee member with respect to registration, transfer or cancelation of a brand, may appeal to the High court.
- (2) An appeal under this section shall be lodged within thirty days from the date on which the appellant first received the notice of the decision.

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following definition immediately after the definition of “identifier” —

“Inspector” means the person designated as an inspector under section 15;

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

(The Senate Majority Leader)

NOTICE is given that the, Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Food and Feed Safety Control Cordination Bill, (National Assembly Bills No. 21 of 2023), at the Committee Stage—

CLAUSE 22

THAT clause 22 of the Bill be amended in sub-clause (2) by deleteting the words “conduct risk management” appearing immediately after the words “ the Controller may” and substituting therefor the words “advise on the appropriate risk management measures ”.

CLAUSE 25

THAT clause 25 of the Bill be amended in sub-clause (3) by inserting the following new sub- clause—

3A. On receipt of the report under subsection (3)(b), the governor shall submit the report to the respective County Assembly.

FIRST SCHEDULE

THAT the First Schedule be amended by inserting the following new items immediatly after item no 3 —

3A. Each county government department dealing with matters relating to agriculture;

3B. Each county government department dealing with matters relating to health;

APPENDIX

1. PETITION

Petition to the Senate by Ms. Christine Njoki Mweru regarding incomplete investigations and failure by the Office of the Director of Public Prosecution (ODPP) to investigate, arrest and prosecute suspects involved in the abduction and disappearance of Mr. Joshua Gichuki Mwangi.

(The Speaker of the Senate)

2. PAPERS

- i.) The Land Adjudication (Amendment) Regulations, (Legal Notice No. 23 of 2023).
- ii.) The Physical and Land Use Planning (Planning Fees (Amendment) Regulations, (Legal Notice No. 24 of 2023).
- iii.) The Survey (Electronic Cadstre Transactions) (Amendment) Regulations, (Legal Notice No. 25 of 2023).
- iv.) The Valuers (Forms and Fees) (Amendment) Rules, (Legal Notice No. 26 of 2023).
- v.) The Land Regulations (Amendment) (Legal Notice No. 27 of 2023).
- vi.) The Community Land Regulations (Amendment) Legal Notice No. 28 of 2023).
- vii.) The Survey Regulations (Amendment), (Legal Notice No. 29 of 2023).
- viii.) The Land Registration (Revocation) Regulations, (Legal Notice No. 35 of 2023).
- ix.) The Land Registration (General) Regulations (Amendment), (Legal Notice No. 36 of 2023).
- x.) Report of the Auditor General on Financial Statements of the County Government of Mombasa – County Revenue Fund for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on Financial Statements of the County Government of Mombasa – Receiver of Revenue for the year ended 30th June, 2022.

- xii.) Report of the Auditor General on Financial Statements of Baringo County Executive for the year ended 30th June, 2023.
- xiii.) Report of the Auditor General on the Financial Statements of Baringo County Assembly (Members) Car Loan and Mortgage Fund for the year ended 30th June, 2023
- xiv.) Report of the Auditor General on Financial Statements of the County Assembly of Baringo for the year ended 30th June, 2023.
- xv.) Report of the Auditor General on the Financial Statements of the County Government of Baringo – Receiver of Revenue for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on the Financial Statements of Baringo County Government – County Revenue Fund for the year ended 30th June, 2023.
- xvii.) Report of the Auditor General on the Financial Statements of Baringo County Community Conservation Fund for the year ended 30th June, 2023.
- xviii.) Report of the Auditor General on Financial Statements of Baringo County Emergency Fund for the year ended 30th June, 2023.
- xix.) Report of the Auditor General on Financial Statements of Baringo County Bursary and Scholarship Fund for the year ended 30th June, 2023.
- xx.) Report of the Auditor General on Financial Statements of Baringo County Micro and Small Enterprises Fund for the year ended 30th June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of the County Executive of Nakuru for the year ended 30th June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of the County Assembly of Nakuru (Members) Car Loan, Grant and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of the County Assembly of Nakuru for the year ended 30th June, 2023.
- xxiv.) Report of the Auditor General on Financial Statements of the County Government of Nakuru – Receiver of Revenue for the year ended 30th June, 2023.
- xxv.) Report of the Auditor General on Financial Statements of the County Government of Nakuru – County Revenue Fund for the year ended 30th June, 2023.

- xxvi.) Report of the Auditor General on Financial Statements of Machakos County Assembly Housing and Car Loan Scheme Fund – Staff for the year ended 30th June, 2023.
- xxvii.) Report of the Auditor General on Financial Statements of the County Executive of Makueni for the year ended 30th June, 2023.
- xxviii.) Report of the Auditor General on the Financial Statements of the County Assembly of Makueni for the year ended 30th June, 2023.
- xxix.) Report of the Auditor General on the Financial Statements of the County Government of Makueni – Receiver of Revenue for the year ended 30th June, 2023.
- xxx.) Report of the Auditor General on Financial Statements of County Government of Makueni – County Revenue Fund for the year ended 30th June, 2023.
- xxxi.) Report of the Auditor General on the Financial Statements of Makueni County Youth, Men, Women, Persons with Disabilities and Table Banking Groups Empowerment Fund for the year ended 30th June, 2023.
- xxxii.) Report of the Auditor General on Financial Statements of the County Executive of Kitui for the year ended 30th June, 2023.
- xxxiii.) Report of the Auditor General on Financial Statements of the County Assembly of Kitui for the year ended 30th June, 2023.
- xxxiv.) Report of the Auditor General on Financial Statements of Kitui County Assembly Service Board Employees’ Car and Mortgage Fund for the year ended 30th June, 2023.
- xxxv.) Report of the Auditor General on Financial Statements of Kitui County Assembly Car and Mortgage (Members) Scheme Fund for the year ended 30th June, 2023.
- xxxvi.) Report of the Auditor General on Financial Statements of the County Government of Kitui – Receiver of Revenue for the year ended 30th June, 2023.
- xxxvii.) Report of the Auditor General on Financial Statements of County Government of Kitui – County Revenue Fund for the year ended 30th June, 2023.
- xxxviii.) Report of the Auditor General on Financial Statements of Kitui County Empowerment Fund (KCEF) for the year ended 30th June, 2023.

- xxxix.) Report of the Auditor General on the Financial Statements of the County Government of Kajiado – Receiver of Revenue for the year ended 30th June, 2023.
- xl.) Report of the Auditor General on the Financial Statements of the County Executive of Narok for the year ended 30th June, 2023.
- xli.) Report of the Auditor General on Financial Statements of Narok County Assembly for the year ended 30th June, 2023.
- xlii.) Report of the Auditor General on Financial Statements of the County Government of Narok - Receiver of Revenue for the year ended 30th June, 2023.

(The Senate Majority Leader)

3. QUESTIONS AND STATEMENTS

a) Request for Statements pursuant to Standing Order 53(1)

- i) The Senator for Marsabit County, (Sen. Mohamed Chute, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare concerning the non-remittance of National Health Insurance Fund (NHIF) deductions and the delayed payment of salaries by the County Government of Marsabit.
- ii) The Senator for Nandi County, (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare concerning the implementation of the Report on a Petition on alleged fraud by First Choice Recruitment and Consultancy Agency Limited.
- iii) The Senator for Vihiga County, (Sen. Godfrey Osotsi, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the state of the e-citizen digital payment platform.
- iv) Nominated Senator (Sen. Raphael Chimera, MP) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding boundary dispute between Kwale and Kilifi counties.

NOTICE PAPER

Tentative Business for

Thursday, March 07, 2024

(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, March 07, 2024.

A. BILLS AT THE SECOND READING STAGE

- i.) ***THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022)
(Sen. David W. Wafula, MP)
- ii.) ***THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)
(The Senate Majority Leader)
- iii.) ****THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)
(The Senate Majority Leader)
- iv.) ***THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)
(The Senate Majority Leader)
- v.) ***THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)
(The Senate Majority Leader)

B. MOTION

REPORT OF THE 63RD SESSION OF THE OACPS PARLIAMENTARY ASSEMBLY AND 43RD SESSION OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY MEETINGS IN BRUSSELS, BELGIUM.

(Sen. Kathuri Murungi, MP)
