



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 28, 2023 AT 2.30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum at the expiry of ten minutes;

The Speaker invited the Clerk to call out the Orders of the day.

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair: -

- a.) **Visiting Delegation from Amazing Grace Pathfinders Club Seventh Day Adventist Church in Kabete, Kiambu County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, four (4) teachers and twenty (20) students from Amazing Grace Pathfinders Club Seventh Day Adventist Church in Kabete, Kiambu County, who are in the Senate for a one-day academic exposition.

Honourable 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 thank you.”

b.) Visiting Delegation from PCEA Kutus Children Ministry in Kirinyaga County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, nine (9) teachers and thirty-two (32) students from PCEA Kutus Children Ministry in Kirinyaga County, who are in the Senate for a one-day academic exposition.

Honourable 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 thank you.”

5. PETITIONS

- i.) Pursuant to Standing Order 236 (2) (a), the Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) presented to the Senate a Petition by residents of Lorroki and Malaso Divisions of Samburu Central Sub-County concerning persistent insecurity, cattle rustling, loss of lives and property.

Pursuant to Standing Order 238 (1), the Speaker committed the Petition to the Standing Committee on National Security, Defence and Foreign Relations for consideration.

- ii.) Pursuant to Standing Order 238 (2), the Senator for Isiolo County (Sen. Fatuma Dullo, MP), a member of the Standing Committee on Justice, Legal Affairs and Human Rights, laid on the Table of the Senate, on behalf of the Chairperson, the Report of the Standing Committee on a Petition by Mr. Laban Omusundi concerning the enactment of a clause in the electoral laws to ensure that all Nominated Members of County Assembly (MCAs) are voters and residents of the respective counties.

Thereupon, the Speaker allowed Senators to make comments and observations in relation to the Petition.

- iii.) Pursuant to Standing Order 238 (2), the Senator for Isiolo County (Sen. Fatuma Dullo, MP), a member of the Standing Committee on Justice, Legal Affairs and Human Rights, laid on the Table of the Senate, on behalf of the Chairperson, the Report of the Standing Committee on a 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.

Thereupon, the Speaker allowed comments and observations by Senators in relation to the Petition.

- iv.) Pursuant to Standing Order 238 (2), the Senator for Isiolo County (Sen. Fatuma Dullo, MP), a member of the Standing Committee on Justice, Legal Affairs and Human Rights, laid on the Table of the Senate, on behalf of the Chairperson, the Report of the Standing Committee on a Petition by the members of Muindi Mbingu Memorial Ngelani Association concerning historical injustices suffered by residents of Ngelani area, in Machakos County during the colonial period.

Thereupon, the Speaker allowed Senators to make comments and observations in relation to the Petition.

- v.) Pursuant to Standing Order 238 (2), the Senator for Isiolo County (Sen. Fatuma Dullo, MP), a member of the Standing Committee on Justice, Legal Affairs and Human Rights, laid on the Table of the Senate, on behalf of the Chairperson, the Report of the Standing Committee 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.

Thereupon, the Speaker allowed Senators to make comments and observations in relation to the Petition.

6. **PAPERS**

- i.) 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 Ltumbesi, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

- ii.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition by Mr. Laban Omusundi concerning the enactment of a clause in the electoral laws to ensure that all Nominated Members of County Assembly (MCAs) are voters and residents of the respective counties.
- iii.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a 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.
- iv.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition by the members of Muindi Mbingu Memorial Ngelani Association concerning historical injustices suffered by residents of Ngelani area, in Machakos County during the colonial period.

- v.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights 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.

(Sen. Fatuma Dullo, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

7. **QUESTIONS AND STATEMENTS**

Requests for Statements, pursuant to Standing Order 53(1)

- i.) The Senator for Laikipia County (Sen. Nderitu Kinyua, MP) sought a statement on behalf of the Senator for Nyandarua County (Sen. John Methu, MP) from the Standing Committee on Agriculture, Livestock and Fisheries concerning the delayed payment to enumerators and village elders engaged in data collection for the farmers registration exercise in Nyandarua County.
- ii.) The Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) sought a statement from the Standing Committee on Roads and Transportation regarding the state of roads in Samburu County.
- iii.) The Senator for Elgeyo Marakwet County (Sen. William Kisang, MP) sought a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding conditional grants to counties for the construction of county headquarters.
- iv.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding Part Development Plan (PDP) for parcel No. Kimorigo Kitobo Block 2.
- v.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Trade, Industrialization and Tourism regarding the financial viability of the Uchumi Supermarket chain.
- vi.) Request for a statement by Nominated Senator (Sen. Esther Okenyuri, MP) from the Standing Committee on Education regarding the career growth paths for teachers on contract was **dropped** in the absence of the Senator.
- vii.) Request for a statement by the Senator for Embu County (Sen. Alexander Mundigi, MP) from the Standing Committee on Education regarding delivery of centrally procured learning materials to schools was **dropped** in the absence of the Senator.

8. **MOTION – REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON THE APPLICATION FOR CONFERMENT OF CITY STATUS TO THE MUNICIPALITY OF ELDORET**

Order read;

Motion made and Question proposed;

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, 20th September, 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. Richard Onyonka, MP, on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations – 05.10.2023)

Debate interrupted on Thursday, 19th October, 2023 resumed on a Division;

Before the Question was put and pursuant to Standing Order 84 (2), the Speaker ruled that the matter affects Counties and that voting would be by County Delegations;

The Speaker directed that electronic voting be taken pursuant to Standing Order 86 and that the division bell be rung for two minutes;

Upon the expiry of the two minutes, the Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 86 (5), the Speaker allowed one (1) Senator to record her vote verbally.

Thereupon, the following Senator recorded her vote as “**Yes**”-

Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation

The results of the Division were as follows: -

AYES – 28

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of Homa Bay County Delegation
9. Sen. Khalwale Boni, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP

12. Sen. Lelegwe Steve Ltumbesi, MP
13. Sen. Methu John Muhia, MP
14. Sen. Mungatana Danson Buya, MP
15. Sen. Muthama Agnes Kavindu, MP
16. Sen. Mwaruma Johnes Mwashushe, MP
17. Sen. Mwinyihaji Mohamed Faki, MP
18. Sen. Nderitu John Kinyua, MP
19. Sen. Ngugi Joe Joseph Nyutu, MP
20. Sen. Oketch Eddy Gicheru, MP
21. Sen. Okoiti Andrew Omtatah, MP
22. Sen. Onyonka Richard Momoima, MP
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Recha Julius Murgor, MP
25. Sen. Roba Ali Ibrahim, MP
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Sifuna Edwin Watanya, MP
28. Sen. Wamatinga Wahome, MP

Question, agreed to.

RESOLVED ACCORDINGLY

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, 20th September, 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.

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Equalization Fund Appropriation Bill (Senate Bills No. 30 of 2023) be now read a Second Time.

(The Vice Chairperson, Standing Committee on Finance and Budget – 18.10.2023)

Debate interrupted on Wednesday, 18th October, 2023 – Afternoon Sitting resumed on a Division;

The Speaker directed that roll call voting be taken pursuant to Standing Order 88 (1) and that the division bell be rung for two minutes;

Upon the expiry of the two minutes, the Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows:

1. Sen. Abdulrahman Miraj Abdillahi, MP - Ayes
2. Sen. Montet Betty Batuli, MP - Noes

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

The results of the Division were as follows: -

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
9. Sen. Khalwale Boni, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Lelegwe Steve Ltumbesi, MP
13. Sen. Madzayo Stewart Mwachiru, MP
14. Sen. Methu John Muhia, MP
15. Sen. Mungatana Danson Buya, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Nderitu John Kinyua, MP
20. Sen. Ngugi Joe Joseph Nyutu, MP
21. Sen. Ojienda Odhiambo Tom, MP
22. Sen. Oketch Eddy Gicheru, MP
23. Sen. Okoiti Andrew Omtatah, MP
24. Sen. Onyonka Richard Momoima, MP
25. Sen. Osotsi Godfrey Atieno, MP
26. Sen. Recha Julius Murgor, MP
27. Sen. Roba Ali Ibrahim, MP
28. Sen. Seki Lenku Ole Kanar, MP
29. Sen. Sifuna Edwin Watanya, MP
30. Sen. Wamatinga Wahome, MP

Question, agreed to;

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

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Care and Protection of Child Parents Bill (Senate Bills No. 29 of 2023) be now read a Second Time.

(Sen. Miraj Abdillahi Abdulrahman, MP – 19.10.2023)

Debate interrupted on Thursday, 16th November, 2023 resumed on a Division;

The Speaker directed that roll call voting be taken pursuant to Standing Order 88 (1) and that the division bell be rung for two minutes;

Upon the expiry of the two minutes, the Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

- | | |
|---|--------|
| 1. Sen. Abdulrahman Miraj Abdillahi, MP | - Ayes |
| 2. Sen. Montet Betty Batuli, MP | - Noes |

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

The results of the Division were as follows: -

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
9. Sen. Khalwale Boni, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Lelegwe Steve Ltumbesi, MP
13. Sen. Madzayo Stewart Mwachiru, MP
14. Sen. Methu John Muhia, MP
15. Sen. Mungatana Danson Buya, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwinyihaji Mohamed Faki, MP

- 19. Sen. Nderitu John Kinyua, MP
- 20. Sen. Ngugi Joe Joseph Nyutu, MP
- 21. Sen. Ojienda Odhiambo Tom, MP
- 22. Sen. Oketch Eddy Gicheru, MP
- 23. Sen. Okoiti Andrew Omtatah, MP
- 24. Sen. Onyonka Richard Momoima, MP
- 25. Sen. Osotsi Godfrey Atieno, MP
- 26. Sen. Recha Julius Murgor, MP
- 27. Sen. Roba Ali Ibrahim, MP
- 28. Sen. Seki Lenku Ole Kanar, MP
- 29. Sen. Sifuna Edwin Watanya, MP
- 30. Sen. Wamatinga Wahome, MP

Question, agreed to;

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

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

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Coffee Bill (Senate Bills No. 10 of 2023) be now read a Second Time.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries - 16.11.2023)

Debate interrupted on Wednesday, 22nd November, 2023 – Afternoon Sitting resumed on a Division;

The Speaker directed that roll call voting be taken pursuant to Standing Order 88 (1) and that the division bell be rung for two minutes;

Upon the expiry of the two minutes, the Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

- 1. Sen. Abdulrahman Miraj Abdillahi, MP - Ayes
- 2. Sen. Montet Betty Batuli, MP - Noes

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

The results of the Division were as follows: -

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

- 1. Sen. Abass Sheikh Mohamed, MP
- 2. Sen. Adan Dullo Fatuma, MP

3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
9. Sen. Khalwale Boni, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Lelegwe Steve Ltumbesi, MP
13. Sen. Madzayo Stewart Mwachiru, MP
14. Sen. Methu John Muhia, MP
15. Sen. Mungatana Danson Buya, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Nderitu John Kinyua, MP
20. Sen. Ngugi Joe Joseph Nyutu, MP
21. Sen. Ojienda Odhiambo Tom, MP
22. Sen. Oketch Eddy Gicheru, MP
23. Sen. Okoiti Andrew Omtatah, MP
24. Sen. Onyonka Richard Momoima, MP
25. Sen. Osotsi Godfrey Atieno, MP
26. Sen. Recha Julius Murgor, MP
27. Sen. Roba Ali Ibrahim, MP
28. Sen. Seki Lenku Ole Kanar, MP
29. Sen. Sifuna Edwin Watanya, MP
30. Sen. Wamatinga Wahome, MP

Question, agreed to;

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

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Prevention of Livestock and Produce Theft Bill (Senate Bills No. 12 of 2023) be now read a Second Time.

(Sen. Samson Cherarkey, MP - 01.11.2023)

Debate interrupted on Thursday, 23rd November, 2023 resumed on a Division;

The Speaker directed that roll call voting be taken pursuant to Standing Order 88 (1) and that the division bell be rung for two minutes;

Upon the expiry of the two minutes, the Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

- | | |
|---|--------|
| 1. Sen. Abdulrahman Miraj Abdillahi, MP | - Ayes |
| 2. Sen. Montet Betty Batuli, MP | - Noes |

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

The results of the Division were as follows: -

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
9. Sen. Khalwale Boni, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Lelegwe Steve Ltumbesi, MP
13. Sen. Madzayo Stewart Mwachiru, MP
14. Sen. Methu John Muhia, MP
15. Sen. Mungatana Danson Buya, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Nderitu John Kinyua, MP
20. Sen. Ngugi Joe Joseph Nyutu, MP
21. Sen. Ojienda Odhiambo Tom, MP
22. Sen. Oketch Eddy Gicheru, MP
23. Sen. Okoiti Andrew Omtatah, MP
24. Sen. Onyonka Richard Momoima, MP
25. Sen. Osotsi Godfrey Atieno, MP
26. Sen. Recha Julius Murgor, MP
27. Sen. Roba Ali Ibrahim, MP
28. Sen. Seki Lenku Ole Kanar, MP
29. Sen. Sifuna Edwin Watanya, MP
30. Sen. Wamatinga Wahome, MP

Question, agreed to;

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

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Food and Feed Safety Control Co-ordination Bill (National Assembly Bills No. 21 of 2023) be now read a Second Time.

(The Senate Majority Whip on behalf of the Senate Majority Leader – 22.11.2023)

Debate interrupted on Thursday, 23rd November, 2023 resumed on a Division;

The Speaker directed that roll call voting be taken pursuant to Standing Order 88 (1) and that the division bell be rung for two minutes;

Upon the expiry of the two minutes, the Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Abdulrahman Miraj Abdillahi, MP - Ayes
2. Sen. Montet Betty Batuli, MP - Noes

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

The results of the Division were as follows: -

AYES – 30

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
9. Sen. Khalwale Boni, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Lelegwe Steve Ltumbesi, MP
13. Sen. Madzayo Stewart Mwachiru, MP
14. Sen. Methu John Muhia, MP
15. Sen. Mungatana Danson Buya, MP
16. Sen. Muthama Agnes Kavindu, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Nderitu John Kinyua, MP

- 20. Sen. Ngugi Joe Joseph Nyutu, MP
- 21. Sen. Ojienda Odhiambo Tom, MP
- 22. Sen. Oketch Eddy Gicheru, MP
- 23. Sen. Okoiti Andrew Omtatah, MP
- 24. Sen. Onyonka Richard Momoima, MP
- 25. Sen. Osotsi Godfrey Atieno, MP
- 26. Sen. Recha Julius Murgor, MP
- 27. Sen. Roba Ali Ibrahim, MP
- 28. Sen. Seki Lenku Ole Kanar, MP
- 29. Sen. Sifuna Edwin Watanya, MP
- 30. Sen. Wamatinga Wahome, MP

Question, agreed to;

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

14. **COMMITTEE OF THE WHOLE**

Order for the Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Catherine Mumma, MP) – in the Chair)

The County Licensing (Uniform Procedure) Bill (Senate Bills No. 9 of 2022)

Clause 3

Motion made and Question proposed;

THAT, Clause 3 be part of the Bill.

(The Senate Majority Whip on behalf of Sen. Mariam Sheikh Omar, MP)

Clause 3 - vote deferred

Clause 4 - amendment proposed

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 licences issued by that authority.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 4 - vote deferred

Clause 5

Motion made and Question proposed;

THAT, Clause 5 be part of the Bill.

(The Senate Majority Whip on behalf of Sen. Mariam Sheikh Omar, MP)

Clause 5 - vote deferred

Clause 6 - amendment proposed

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 licences offered by the county government is designated a unique code.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 6 - vote deferred

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

Motion made and Question proposed;

THAT, Clauses 7, 8, 9, 10, 11, 12, 13, 14 and 15 be part of the Bill.

(The Senate Majority Whip on behalf of Sen. Mariam Sheikh Omar, MP)

Clauses 7, 8, 9, 10, 11, 12, 13, 14 and 15 - vote deferred

Clause 16 - amendment proposed

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 licence.

(The Chairperson, Standing Committee on Trade, Industrialization and Tourism)

Clause 16 - vote deferred

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

Motion made and Question proposed;

THAT, Clauses 17, 18, 19, 20, 21 and 22 be part of the Bill.

(The Senate Majority Whip on behalf of Sen. Mariam Sheikh Omar, MP)

Clauses 17, 18, 19, 20, 21 and 22 - vote deferred

Clause 23 - amendment proposed

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.

(The Chairperson, Standing Committee on Trade, Industrialization and Tourism)

Clause 23 - vote deferred

Clause 24 - amendment proposed

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 licences and imposition of fees where goods are transported across different counties.

(The Chairperson, Standing Committee on Trade, Industrialization and Tourism)

Clause 24 - vote deferred

Clauses 25, 26 and 27

Motion made and Question proposed;

THAT, Clauses 25, 26 and 27 be part of the Bill.

(The Senate Majority Whip on behalf of Sen. Mariam Sheikh Omar, MP)

Clauses 25, 26 and 27 - vote deferred

Clause 28 - amendment proposed

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.

(The Chairperson, Standing Committee on Trade, Industrialization and Tourism)

Clause 28 - vote deferred

New Clause 26A - insertion of new clause proposed

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.

Motion made and Question proposed;

THAT, New Clause 26A be now read a Second Time.

(The Chairperson, Standing Committee on Trade, Industrialization and Tourism)

New Clause 26A - vote deferred

Clause 2, the Title and Clause 1

Motion made and Question proposed;

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

(The Senate Majority Whip on behalf of Sen. Mariam Sheikh Omar, MP)

Clause 2, the Title and Clause 1 - vote deferred

Progress Report

Motion made –

THAT, the Committee of the Whole House do report to the Senate, its consideration of the County Licensing (Uniform Procedure) Bill (Senate Bills No. 9 of 2022) and seek leave to sit again tomorrow;

(The Senate Majority Whip on behalf of Sen. Mariam Sheikh Omar, MP)

Before the Question was put and pursuant to Standing Order 84 (2), the Acting Chairperson (Sen. Catherine Mumma, MP) ruled that the Question does not affect counties;

Question put and agreed to.

15. **THE HOUSE RESUMED** – (The Deputy Speaker – in the Chair)

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

Progress reported;

Motion made and Question proposed: -

THAT, the Senate do agree with the Committee of the Whole in the said report.

(The Senate Majority Whip on behalf of Sen. Mariam Sheikh Omar, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Deputy Speaker ruled that the Motion does not affect counties.

Question put and agreed to.

17. **COMMITTEE OF THE WHOLE**

Order for the Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Abdul Haji, MP) – in the Chair)

The Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022)

Clause 3 - amendment proposed

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 therefor the word “service”.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 3 - vote deferred

Clause 4 - amendment proposed

THAT, clause 4 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub clause —

(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.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 4 - vote deferred

Clause 5 - amendment proposed

THAT, clause 5 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clauses —

(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.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 5 - vote deferred

Clauses 6 and 7

Motion made and Question proposed;

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

(Sen. Maureen Tabitha Mutinda, MP)

Clauses 6 and 7 - vote deferred

Clause 8

- amendment proposed

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—

- (a) enhance the competitiveness of the agriculture and livestock industry in Kenya in an increasingly competitive environment;
- (b) 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;
- (c) develop new uses and products for agricultural commodities and develop alternative production methods for the production of new crops; and
- (d) 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, 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.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 8 - vote deferred

Clause 9

Motion made and Question proposed;

THAT, Clause 9 be part of the Bill.

(Sen. Maureen Tabitha Mutinda, MP)

Clause 9 - vote deferred

Clause 10 - amendment proposed

THAT, clause 10 of the Bill be amended —

- (i) in sub clause (2) by inserting the expression “(a)” immediately after the words “under subsection (1)”; and
- (ii) by renumbering sub clause (4) as sub clause (3).

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 10 - vote deferred

Clause 11 - amendment proposed

THAT, clause 11 of the Bill be amended in sub clause (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).

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 11 - vote deferred

Clauses 12 and 13

Motion made and Question proposed;

THAT, Clauses 12 and 13 be part of the Bill.

(Sen. Maureen Tabitha Mutinda, MP)

Clauses 12 and 13 - vote deferred

Clause 14 - amendment proposed

THAT, clause 14 of the Bill be amended in sub clause (1)(i) by deleting the word “sector” appearing immediately after the words “players in the” and substituting therefor the word “industry”.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 14 - vote deferred

Clauses 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25

Motion made and Question proposed;

THAT, Clauses 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 be part of the Bill.

(Sen. Maureen Tabitha Mutinda, MP)

Clauses 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 - vote deferred

Clause 26 - amendment proposed

THAT, clause 26 of the Bill be amended in –

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

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 26 - vote deferred

Clauses 27, 28 and 29

Motion made and Question proposed;

THAT, Clauses 27, 28 and 29 be part of the Bill.

(Sen. Maureen Tabitha Mutinda, MP)

Clauses 27, 28 and 29 - vote deferred

Clause 30 - amendment proposed

THAT, clause 30 of the Bill be amended in—

- (a) sub clause (1) by deleting the word “yearly” appearing immediately after the words “year and the” and substituting therefor the word “annual”; and
- (b) sub clause (2) by deleting the words “to him” appearing immediately after the words “and statements submitted”.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 30 - vote deferred

Clauses 31 and 32

Motion made and Question proposed;

THAT, Clauses 31 and 32 be part of the Bill.

(Sen. Maureen Tabitha Mutinda, MP)

Clauses 31 and 32 - vote deferred

Clause 33 - amendment proposed

THAT, clause 33 of the Bill be amended by—

- (a) renumbering the existing provision as sub clause (1); and
- (b) inserting the following new sub clause immediately after sub clause (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.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 33 - vote deferred

New Clause 26A - insertion of new clause proposed

THAT, the Bill be amended by inserting the following new clauses immediately after clause 26—

<p>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.</p>	<p>Recruitment of extension services officers</p>
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(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 grassroots level.

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

Motion made and Question proposed;

THAT, New Clause 26A be now read a Second Time.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 26A - vote deferred

New Clause 26B - insertion of new clause proposed

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.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 26B be now read a Second Time.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 26B - vote deferred

New Clause 26C - insertion of new clause proposed

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.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 26C be now read a Second Time.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 26C - vote deferred

New Clause 26D - insertion of new clause proposed

26D. (1) Each county executive committee member shall keep and maintain a register of —

Register of extension services providers.

- (a) extension service officers registered in the respective county; and
 - (b) private entities providing extension services in the respective county.
- (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).

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 26D be now read a Second Time.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 26D

- vote deferred

New Clause 26E

- insertion of new clause proposed

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 on the — Publicizing extension services.

- (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.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 26E be now read a Second Time.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 26E

- vote deferred

New Clause 32A

- insertion of new clause proposed

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

32A. 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.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

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

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 32A - vote deferred

The Schedule, Clause 2, the Title and Clause 1

Motion made and Question proposed;

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

(Sen. Maureen Tabitha Mutinda, MP)

The Schedule, Clause 2, the Title and Clause 1 - vote deferred

Progress Report

Motion made –

THAT, the Committee of the Whole House do report to the Senate, its consideration of the Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022) and seek leave to sit again tomorrow;

(Sen. Maureen Tabitha Mutinda, MP)

Before the Question was put and pursuant to Standing Order 84 (2), the Acting Chairperson (Sen. Abdul Haji, MP) ruled that the Question does not affect counties;

Question put and agreed to.

18. **THE HOUSE RESUMED** – (The Deputy Speaker - in the Chair)

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

Progress reported;

Motion made and Question proposed: -

THAT, the Senate do agree with the Committee of the Whole in the said report.

(Sen. Maureen Tabitha Mutinda, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Deputy Speaker ruled that, the Motion does not affect counties.

Question put and agreed to.

20. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Abdul Haji, MP) – in the Chair)

The Mung Beans Bill (Senate Bills No. 13 of 2022)

Clauses 3, 4, 5 and 6

Motion made and Question proposed;

THAT, Clauses 3, 4, 5 and 6 be part of the Bill

(Sen. Johnes Mwaruma, MP on behalf of Sen. Enoch Wambua, MP)

Clauses 3, 4, 5 and 6 - vote deferred;

Clause 7 - amendment proposed;

THAT clause 7 of the Bill be amended in sub-clause (1) by inserting the words “in consultation with the Council of County Governors,” immediately after the words “Cabinet Secretary”.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 7 - vote deferred;

Clauses 8 and 9

Motion made and Question proposed;

THAT, Clauses 8 and 9 be part of the Bill

(Sen. Johnes Mwaruma, MP on behalf of Sen. Enoch Wambua, MP)

Clauses 8 and 9 - vote deferred;

Clause 10 - amendment proposed;

THAT, clause 10 of the Bill be deleted and substituted therefor with the following new clause—

County
licensing
committee

10. (1) Each county executive committee member responsible for matters relating to trade shall, for the effective performance of section 9, establish a county licensing committee.

(2) A county licensing committee shall consist of —

- (a) a chairperson;
- (b) one person representing growers of mung beans in the respective county;
- (c) one public officer in the department responsible for agriculture with relevant experience in matters relating to agriculture; and
- (d) two public officers in the department responsible for trade with relevant experience in matters relating to trade and finance.

(3) The chairperson and the member under subsection (2)(b) shall be competitively recruited by the county public service board and appointed by the county executive committee member.

(4) The county executive committee member shall appoint the persons in subsection (2) (a) and (b) by notice in the gazette.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 10

- vote deferred;

Clause 11

- amendment proposed;

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”.

County
licensing
committee

10. (1) Each county executive committee member responsible for matters relating to trade shall, for the effective performance of section 9, establish a county licensing committee.

(5) A county licensing committee shall consist of —

- (e) a chairperson;
 - (f) one person representing growers of mung beans in the respective county;
 - (g) one public officer in the department responsible for agriculture with relevant experience in matters relating to agriculture; and
 - (h) two public officers in the department responsible for trade with relevant experience in matters relating to trade and finance.
- (6) The chairperson and the member under subsection (2)(b) shall be competitively recruited by the county public service board and appointed by the county executive committee member.
- (7) The county executive committee member shall appoint the persons in subsection (2) (a) and (b) by notice in the gazette.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 11 - vote deferred;

Clause 12

Motion made and Question proposed;

THAT, Clause 12 be part of the Bill

(Sen. Johnes Mwaruma, MP on behalf of Sen. Enoch Wambua, MP)

Clauses 12 - vote deferred;

Clause 13 - amendment proposed;

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”.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 13 - vote deferred;

Clause 14

Motion made and Question proposed;

THAT, Clause 14 be part of the Bill

(Sen. Johnes Mwaruma, MP on behalf of Sen. Enoch Wambua, MP)

Clauses 14 - vote deferred;

Clause 15 - amendment proposed;

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”.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 15 - vote deferred;

Clause 16 - amendment proposed;

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”.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 16 - vote deferred;

Clauses 17 and 18

Motion made and Question proposed;

THAT, Clauses 17 and 18 be part of the Bill

(Sen. Johnes Mwaruma, MP on behalf of Sen. Enoch Wambua, MP)

Clauses 17 and 18

- vote deferred;

Clause 19

- amendment proposed;

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.

(Sen. Wamatinga Wahome, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Clause 19

- vote deferred;

Clauses 20, 21, 22, 23 and 24

Motion made and Question proposed;

THAT, Clauses 20, 21, 22, 23 and 24 be part of the Bill

(Sen. Johnes Mwaruma, MP on behalf of Sen. Enoch Wambua, MP)

Clauses 20, 21, 22, 23 and 24

- vote deferred;

New Clause 22A

- insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after clause 22-

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.

Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Motion made and Question proposed;

THAT, New Clause 22A be now read a Second Time.

(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

New Clause 22A - vote deferred

Clause 2, the Title and Clause 1

Motion made and Question proposed;

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

(Sen. Johnes Mwaruma, MP on behalf of Sen. Enoch Wambua, MP)

Clause 2, the Title and Clause 1 - vote deferred;

Progress Report

Motion made:

THAT, the Committee of the Whole do report to the Senate its consideration of the Mung Beans Bill (Senate Bills No. 13 Of 2022) and seek leave to sit again tomorrow.

(Sen. Johnes Mwaruma, MP on behalf of Sen. Enoch Wambua, MP)

Before the Question was put and pursuant to Standing Order 84(1), the Acting Chairperson (Sen. Catherine Mumma, MP) ruled that the Question did not affect counties;

Question put and agreed to.

21. **HOUSE RESUMED** – (The Deputy Speaker - in the Chair)

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

Progress reported;

Bill reported with amendments;

Motion made and Question proposed: -

THAT, the Senate do agree with the Committee of the Whole in the said report.

(Sen. Johnes Mwaruma, MP on behalf of The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84(1), the Deputy Speaker ruled that the question does not affect counties;

Question put and agreed to.

23. **COMMITTEE OF THE WHOLE**

Order for the Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Abdul Haji, MP) – in the Chair)

The Start-Up Bill (Senate Bills No. 14 of 2022)

Clause 3

Motion made and Question proposed;

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.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 3

- vote deferred

Clause 4

- amendment proposed

Motion made and Question proposed;

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 “startups into”; and
- (ii) deleting the words “entities from” appearing immediately after the words “enable access to” in paragraph (h) and substituting therefor the words “incubation programmes by”.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 4 - vote deferred

Clause 5 - amendment proposed

Motion made and Question proposed;

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 therefor the words “startups, incubation”.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 5 - vote deferred

Clauses 6 and 7

Motion made and Question proposed;

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

(Sen. Crystal Asige, MP)

Clauses 6 and 7 - vote deferred.

Clause 8 - amendment proposed

Motion made and Question proposed;

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 startup and will benefit from admission into an incubation programme.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 8 - vote deferred

Clause 9 - amendment proposed

Motion made and Question proposed;

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).

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 9 - vote deferred

Clauses 10 and 11

Motion made and Question proposed;

THAT, Clauses 10 and 11 be part of the Bill.

(Sen. Crystal Asige, MP)

Clauses 10 and 11 - vote deferred.

Clause 12 - amendment proposed

Motion made and Question proposed;

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 word “registration”.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 12 - vote deferred

Clause 13 - amendment proposed

Motion made and Question proposed;

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”.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 13 - vote deferred

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

Motion made and Question proposed;

THAT, Clauses 14, 15, 16, 17, 18, 19, 20 and 21 be part of the Bill.

(Sen. Crystal Asige, MP)

Clauses 14, 15, 16, 17, 18, 19, 20 and 21 - vote deferred

Clause 22 - amendment proposed

Motion made and Question proposed;

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

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 22 - vote deferred

Clause 23 - amendment proposed

Motion made and Question proposed;

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.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 23 - vote deferred

Clause 24 - amendment proposed

Motion made and Question proposed;

THAT clause 24 of the Bill be amended in subclause (2) by inserting the words “owned by the incubator and the startups admitted to its incubation programme” immediately after the words “intellectual property rights” in paragraph (j)

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 24 - vote deferred

Clause 25

Motion made and Question proposed;

THAT, Clause 25 be part of the Bill.

(Sen. Crystal Asige, MP)

Clause 25 - vote deferred.

Clause 26 - amendment proposed

Motion made and Question proposed;

THAT clause 26 of the Bill be amended by—

- (a) deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) support startups that are developing or delivering innovative products or services that solve a specific problem or fulfil 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.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 26 - vote deferred

Clause 27 - amendment proposed

Motion made and Question proposed;

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.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 27 - vote deferred

Clause 28 - amendment proposed

Motion made and Question proposed;

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

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

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 28 - vote deferred

Clause 29

Motion made and Question proposed;

THAT, Clauses 29 be part of the Bill.

(Sen. Crystal Asige, MP)

Clause 29 - vote deferred.

Clause 30 - amendment proposed

Motion made and Question proposed;

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

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 30 - vote deferred

Clause 31

Motion made and Question proposed;

THAT, Clause 31 be part of the Bill.

(Sen. Crystal Asige, MP)

Clause 31 - vote deferred.

Clause 32 - amendment proposed

Motion made and Question proposed;

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.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 32 - vote deferred

Clause 33 - amendment proposed

Motion made and Question proposed;

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.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 33 - vote deferred

Clause 2 - amendment proposed

Motion made and Question proposed;

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.

(The Chairperson, Standing Committee on Trade, Tourism and Industrialization)

Clause 2 - vote deferred

The Title and Clause 1

Motion made and Question proposed;

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

(Sen. Crystal Asige, MP)

The Title and Clause 1 - vote deferred.

Progress Report

Motion made –

THAT, the Committee of the Whole House do report to the Senate, its consideration of the Start-Up Bill (Senate Bills No. 14 of 2022) and seek leave to sit again tomorrow;

(Sen. Crystal Asige, MP)

Before the Question was put and pursuant to Standing Order 84 (2), the Acting Chairperson (Sen. Abdul Haji, MP) ruled that the Question does not affect counties;

Question put and agreed to.

24. **THE HOUSE RESUMED** – (The Deputy Speaker - in the Chair)

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

Progress reported;

Motion made and Question proposed: -

THAT, the Senate do agree with the Committee of the Whole in the said report.

(Sen. Crystal Asige, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Deputy Speaker ruled that the Motion does not affect counties.

Question put and agreed to.

26. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Abdul Haji, MP) – in the Chair)

The Persons with Disabilities Bill (Senate Bills No. 7 of 2023)

Clause 3

Motion Made and Question proposed;

THAT, Clause 3 be part of the Bill

(Sen. Crystal Asige, MP)

Clause 3

- vote deferred

Clause 4

- amendment proposed;

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.

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

Clause 4 - vote deferred

Clause 5 - amendment proposed;

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”.

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

Clause 5 - vote deferred

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

Motion Made and Question proposed;

THAT, Clauses 6, 7, 8, 9, 10, 11, 12 and 13 be part of the Bill

(Sen. Crystal Asige, MP)

Clauses 6, 7,8, 9, 10,11, 12 and 13 - vote deferred

Clause 14 - amendment proposed;

THAT Clause 14 of the Bill be amended in Subclause (1) by inserting the words “free of charge” at the end of the subclause.

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

Clause 14 - vote deferred

Clauses 15,16,17,18 and 19

Motion Made and Question proposed;

THAT, Clauses 15,16,17,18 and 19 be part of the Bill

(Sen. Crystal Asige, MP)

Clauses 15,16,17,18 and 19 - vote deferred

Clause 20 - amendment proposed;

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.

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

Clause 20 - vote deferred

Clauses 21, 22 and 23

Motion Made and Question proposed;

THAT, Clauses 21, 22 and 23 be part of the Bill

(Sen. Crystal Asige, MP)

Clauses 21, 22 and 23 - vote deferred

Clause 24 - amendment proposed;

THAT, Clause 24 of the Bill be amended by—
(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.

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

Clause 24 - Vote deferred

Clause 25

Motion Made and Question proposed;

THAT, Clause 25 be part of the Bill

(Sen. Crystal Asige, MP)

Clause 25 - vote deferred

Clause 26 - amendment proposed;

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.

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

Clause 26 - vote deferred

Clauses 27 and 28

Motion Made and Question proposed;

THAT, Clauses 27 and 28 be part of the Bill

(Sen. Crystal Asige, MP)

Clauses 27 and 28 - vote deferred

Clause 29 - amendment proposed;

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.

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

Clause 29 - vote deferred

Clause 30

Motion Made and Question proposed;

THAT, Clause 30 be part of the Bill

(Sen. Crystal Asige, MP)

Clause 30 - vote deferred

Clause 31 - amendment proposed;

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.

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

Clause 31 - vote deferred

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

Motion Made and Question proposed;

THAT, Clauses 32,33,34,35,36,37,38,39,40,41and 42 be part of the Bill

(Sen. Crystal Asige, MP)

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

Clause 43 - amendment proposed;

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”

(Sen. Crystal Asige, MP)

Clause 43 - vote deferred

Clause 44

Motion Made and Question proposed;

THAT, Clause 44 be part of the Bill

(Sen. Crystal Asige, MP)

Clause 44 - vote deferred

Clause 45 - amendment proposed;

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”

(Sen. Crystal Asige, MP)

Clause 45 - vote deferred

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

Motion Made and Question proposed;

THAT, Clauses 46,47,48,49,50,51,52,53 and 54 be part of the Bill
(Sen. Crystal Asige, MP)

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

Clause 55 - amendment proposed

THAT, Clause 55 of the Bill 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.

(Sen. Crystal Asige, MP)

Clause 55 - vote deferred

Clauses 56, 57, 58 and 59

Motion Made and Question proposed;

THAT, Clauses 56,57,58 and 59 be part of the Bill
(Sen. Crystal Asige, MP)

Clauses 56,57,58 and 59 - vote deferred

Clause 60 - amendment proposed;

THAT, Clause 60 of the Bill be amended in Subclause (2) by inserting the following new paragraph immediately after Paragraph (j)—
(k) reasonable accommodation.

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

Clause 60 - vote deferred

Clause 61

Motion Made and Question proposed;

THAT, Clause 61 be part of the Bill.
(Sen. Crystal Asige, MP)

Clause 61 - vote deferred

Clause 62 - amendment proposed;

THAT, clause 62 of the Bill be amended by deleting subclause (2).

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

Clause 62 - vote deferred

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

Motion Made and Question proposed;

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

(Sen. Crystal Asige, MP)

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

New Clause 78A - insertion of New Clause proposed;

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.

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

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

Motion made and Question proposed;

THAT, New Clause 78A be now read a Second Time.

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

New Clause 78A

- vote deferred

New Clause 84A

- insertion of New Clause proposed;

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 reestablished 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 Chairperson, Standing Committee on Labour and Social Welfare)

Proposed amendment withdrawn by the Mover

Clause 2

- amendment proposed;

THAT, Clause 2 of the Bill be amended by inserting the following definition immediately after 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;

The Chairperson, Standing Committee on Labour and Social Welfare)

Clause 2 - vote deferred

The Title and Clause 1

Motion Made and Question proposed;

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

(Sen. Crystal Asige, MP)

The Title and Clause 1 - vote deferred

Progress Report

Motion made: -

THAT, the Committee of the Whole do report to the Senate its consideration of the Persons with Disabilities Bill (Senate Bills No. 7 of 2023) and its approval thereof with amendments.

(Sen. Crystal Asige, MP)

Before the Question was put and pursuant to Standing Order 84(1), the Acting Chairperson (Sen. Abdul Haji, MP) ruled that the Question did not affect counties;

Question put and agreed to

27. **HOUSE RESUMED** – (The Deputy Speaker – in the Chair)

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

Progress Report

Motion made: -

THAT, the House do agree with the Committee of the Whole in the said Report.

(Sen. Crystal Asige, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84(1), the Deputy Speaker ruled that the question did not affect counties;

Question put and agreed to.

29. COMMITTEE OF THE WHOLE

Order for the Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Abdul Haji, MP) – in the Chair)

The Kenyan Sign Language Bill (Senate Bills No. 9 of 2023)

Clause 3

Motion made and Question proposed;

THAT, Clause 3 be part of the Bill.

(Sen. (Prof.) Margaret Kamar, MP)

Clause 3 - vote deferred

Clause 4 - amendment proposed

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”.

(The Vice Chairperson, Standing Committee on Education)

Clause 4 - vote deferred

Clause 5

Motion made and Question proposed;

THAT, Clause 5 be part of the Bill.

(Sen. (Prof.) Margaret Kamar, MP)

Clause 5 - vote deferred

Clause 6 - amendment proposed

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”.

(The Vice Chairperson, Standing Committee on Education)

Clause 6 - vote deferred

Clause 7 - amendment proposed

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”.

(The Vice Chairperson, Standing Committee on Education)

Clause 7 - vote deferred

Clause 8

Motion made and Question proposed;

THAT, Clause 8 be part of the Bill.

(Sen. (Prof.) Margaret Kamar, MP)

Clause 8 - vote deferred

Clause 9 - deletion proposed

THAT the Bill be amended by deleting clause 9.

(The Vice Chairperson, Standing Committee on Education)

Clause 9 - vote deferred

Clause 10 - amendment proposed

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”.

(The Vice Chairperson, Standing Committee on Education)

Clause 10 - vote deferred

Clause 11

Motion made and Question proposed;

THAT, Clause 11 be part of the Bill.

(Sen. (Prof.) Margaret Kamar, MP)

Clause 11 - vote deferred

Clause 12 - amendment proposed

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.

(The Vice Chairperson, Standing Committee on Education)

Clause 12 - vote deferred

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

Motion made and Question proposed;

THAT, Clauses 13, 14, 15, 16, 17 and 18 be part of the Bill.

(Sen. (Prof.) Margaret Kamar, MP)

Clauses 13, 14, 15, 16, 17 and 18 - vote deferred

Clause 19 - amendment proposed

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.

(The Vice Chairperson, Standing Committee on Education)

Clause 19 - vote deferred

Clause 20

Motion made and Question proposed;

THAT, Clause 20 be part of the Bill.

(Sen. (Prof.) Margaret Kamar, MP)

Clause 20 - vote deferred

Clause 2 - amendment proposed

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.

(The Vice Chairperson, Standing Committee on Education)

Clause 2 - vote deferred

The Title and Clause 1

Motion made and Question proposed;

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

(Sen. (Prof.) Margaret Kamar, MP)

The Title and Clause 1 - vote deferred

Progress Report

Motion made –

THAT, the Committee of the Whole House do report to the Senate, its consideration of the Kenyan Sign Language Bill (Senate Bills No. 9 of 2023) and seek leave to sit again tomorrow;

(Sen. (Prof.) Margaret Kamar, MP)

Before the Question was put and pursuant to Standing Order 84 (2), the Acting Chairperson (Sen. Abdul Haji, MP) ruled that the Question does not affect counties;

Question put and agreed to.

30. **THE HOUSE RESUMED** – (The Deputy Speaker - in the Chair)

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

Progress reported;

Motion made and Question proposed: -

THAT, the Senate do agree with the Committee of the Whole in the said report.

(Sen. (Prof.) Margaret Kamar, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Deputy Speaker ruled that the Motion does not affect counties.

Question put and agreed to.

32. **MOTION – REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS**

Order read;

Motion made and Question proposed;

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans sought 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.

(Sen. Wahome Wamatinga, MP – 01.11.2023)

Debate interrupted on Wednesday, 1st November, 2023 – Morning Sitting resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 84 (2), the Deputy Speaker ruled that the matter did not affect Counties;
Question put and agreed to.

RESOLVED ACCORDINGLY

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans sought 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.

33. **MOTION – REPORT OF THE AD-HOC COMMITTEE TO INVESTIGATE THE PROLIFERATION OF RELIGIOUS ORGANISATIONS AND CIRCUMSTANCES LEADING TO MORE THAN 95 DEATHS IN SHAKAHOLA, KILIFI COUNTY**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Ad-Hoc Committee to investigate the proliferation of religious organisations and circumstances leading to more than 95 deaths in Shakahola, Kilifi County laid on the Table of the Senate on Thursday, 19th October, 2023.

(The Chairperson of the Ad-Hoc Committee – 23.11.2023)

Debate arising;

And the time being thirty Minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

34. **SENATE ROSE** – at thirty minutes past Six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, November 29, 2023 at 9.30 a.m.*

--x--