

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Wednesday, 14th June, 2023****Afternoon Sitting**

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

(Several Senators walked into the Chamber)

Hon. Senators, kindly take your seats. We do have quorum. We will proceed with the business of the day.

Clerk, kindly proceed to call the first Order.

PETITION

DELAYED COMPENSATION FOR NYANDARUA INTEGRATED IDPS

The Speaker (Hon. Kingi): Sen. Methu is not present.
This Petition is deferred.

(Petition deferred)

Next Order.

PAPERS LAID

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

The Speaker (Hon. Kingi): Proceed, Majority Whip, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate, today, 14th June, 2023-

Report of the Auditor-General on the financial statements of the Rumuruti Municipality – County Government of Laikipia for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statements of the Rumuruti Municipality – County Government of Laikipia for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statements of the Kakamega Municipality for the 22 months period for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kakamega County Dairy Development Corporation for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the City of Kisumu for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Siboi Water and Sanitation Company Ltd for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements on the Receiver of Revenue for the County Government of Kericho for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements on the Receiver of Revenue for the County Government of Vihiga for the year ended 30th June, 2022.

I lay and thank you, Mr. Speaker, Sir.

(Sen. (Dr.) Khalwale laid the documents on the Table)

Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.53 (1).
Sen. Thang'wa.

COMPULSORY ACQUISITION OF PRIVATE LAND IN NDEIYA, KIAMBU COUNTY

Sen. Thang'wa: Thank you very much, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to seek a Statement.

Acknowledging the fact that the Standard Gauge Railway (SGR) has encroached upon the land owned by the esteemed residence of Ndeiya in Kiambu County without providing due compensation to the land owners, I urge the Committee on Lands, Environment and Natural Resources to conduct an investigation and furnish a report on the following matters: -

(1) Kindly elucidate the reasons behind the delay in expediting the pending compensation to the land affected by phase 2(a) of the SGR project taking into account the roles played by the Kenya Railways and the National Lands Commission.

(2) Kindly disclose the plans if any along with projected timelines that the National Lands Commission and Kenya Railways have formulated to ensure the timely payment of affected individuals involved in the SGR project in Ndeiya, Kiambu County.

(3) Provide a comprehensive explanation regarding the rationale behind conducting transportation activities on private properties without acquiring legal possession, thereby continuing to trespass on the land in question.

The Speaker (Hon. Kingi): Next Statement.

ALLEGED ENCROACHMENT OF LAND IN LAMU COUNTY

Is Sen. Kamau not in the Chamber? Any Senator holding brief for him?
Please note, that Statement is dropped.

(Statement dropped)

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

REHABILITATION WORKS AND WATER SUPPLY
RESTORATION FROM NDHIWA BOREHOLE

Sen. Ogola: Thank you, Hon. Speaker, Sir, for giving me the opportunity to read my Statement.

I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources, regarding the measures taken by the Lake Victoria South Water Services Board to restore water supply in the Ndhiwa borehole.

Hon. Speaker, Sir, in the Statement, the Committee should -

(1) State when the broken-down system will be repaired, stating when the supply of water from the Ndhiwa borehole will resume.

(2) State when the rehabilitation of the water supply system will be done, clarifying whether this rehabilitation will include the distribution line.

(3) Provide timelines for the upscaling of the distribution lines to accommodate the growth of the town.

(4) Undertake a visit to the Ndhiwa Water Supply Borehole to assess the situation and determine the extent of the loss incurred due to the lack of operation of public investment.

The Speaker (Hon. Kingi): Hon. Sen. Tom Ojienda SC, please proceed.

Sen. Tom Ojienda SC: Mr. Speaker, Sir, I have three Statements;

STATE OF HEALTHCARE AND MEDICAL SERVICES
OFFERED AT JOOTRH

The first Statement is on the state of health care and medical services offered at Jaramogi Oginga Odinga Teaching and Referral Hospital in Kisumu County.

I rise under Standing Order No. 53(1) to seek a Statement from the Standing Committee on Health regarding the State of Health and Medical Services offered at the Jaramogi Oginga Odinga Teaching and Referral Hospital in Kisumu County.

In the Statement, the committee should -

(1) Provide records of births and deaths at Jaramogi Oginga Odinga Teaching and Referral Hospital

(2) Table a report on funds allocated to Jaramogi Oginga Odinga Hospital by both the National Government and County Government of Kisumu, as well as the projects funded by the same, from the Financial Years 2019/2020 to date.

(3) Provide a breakdown of resource allocation to Jaramogi Oginga Odinga Teaching and Referral Hospital by both national and county governments of Kisumu, including health and medical personnel and experts, as well as specialised health and medical equipment.

(4) Explain the gaps in resource allocation and the effect of such shortages on the quality of health care and medical services offered at the institution, and whether there is efficient utilisation of allocated resources, stating measures to remedy any leaks or misuse of resources.

MEASURES TO ENHANCE TOURISM IN KISUMU COUNTY

Mr. Speaker, Sir, my second Statement is on Measures to enhance tourism resources and tourist potential in Kisumu County.

Mr. Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Trade, Industrialisation, and Tourism on measures taken to enhance tourism resources and tourist potential in Kisumu County.

In the Statement, the Committee should -

(1) Provide the extent of mapping of tourist sites in Kisumu County, stating policies in place, if any, to ensure that Kisumu County and the Lake Region as a whole are robustly developed as a tourist destination.

(2) Provide an overview of resource allocation by the national and county governments for the promotion of Kisumu County as a premier tourist destination in Kenya and East Africa.

(3) State whether there is efficient utilisation of resources allocated towards the development of the tourism sector in Kisumu County and marketing in Kisumu County, providing statements of accounts of allocated resources and revenue generated from tourism in Kisumu County.

STATE OF WATER AND SANITATION IN KATITO TOWN IN KISUMU COUNTY

Mr. Speaker, Sir, I have a Statement on the water and sanitation situation in Kotito town in Kisumu County.

I rise under standing Order 53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the water and sanitation situation in Katito Town and its environs in Kisumu County.

In the Statement, the Committee should -

(1) Provide an update on the status of water sanitation in Katito Town located in Nyakach Sub-County in Kisumu County, stating measures taken by Kisumu Water and Sewerage Company (KIWASCO) to effectively resolve the water shortage experienced in the area by replacing old pipes and provide an overview of county budgetary allocation

and operational plans developed by KIWASCO to facilitate the overhaul of water sanitation infrastructure in the county.

The Speaker (Hon. Kingi): Statement pursuant to Standing Order 56(1). The Chairperson, Devolution and Intergovernmental Relations, Sen. Abbas, please, proceed.

RECENT CLOSURE OF COUNTY ASSEMBLIES

Sen. Abbas: Thank you, Hon. Speaker, Sir. I beg to present the Statement on the recent closure of County Assemblies pursuant to Standing Order 56 (1)(a) of the Senate Standing Orders, to make Statements relating to the matter for which the Committee is responsible; the recent closure of 16 County Assemblies.

As you will recall during the afternoon sitting of the Senate, Thursday 8th June, 2023, the issue of County Assemblies adjourning *Sine Die* was confirmed by Sen. Samson Cherarkey, MP, who requested you, the Speaker, to direct the Standing Committee on Devolution and Intergovernmental Relations, to look into the matter.

In addition, the Committee received a correspondence communicating the resolution of the group of Members of the County Assemblies, named the Association of Members of the County Assemblies (AMCA), which represents about over 2,000 members across the assemblies.

In this correspondence, the National Executive Committee drew the attention of the Senate to Resolution No.7, which stated that unless all the resolutions were considered within 14 days of the adoption, all the 47 county assemblies could adjourn indefinitely on the first official assembly sitting after the expiry of the 14 days.

The 14 days have since lapsed following the issuance of the notice on 3rd May, 2023, and consequently, 16 County Assemblies have been reported to have adjourned *Sine Die*.

In light of the emerging situation in the County Assemblies, you directed the Standing Committee of Devolution and Inter-Governmental Relations to investigate this matter and report to the Senate within one week.

Following your directions, the Committee took a two-pronged approach to address the issue.

(1) The Committee held a retreat with the CAF to be apprised of the current status of the County Assemblies and the position of the CAF on the emergent AMCA.

(2) The Committee Chairperson met informally with the small team of Executive Members of the Association of Members of County Assemblies (AMCA) to listen to their concerns.

Mr. Speaker, Sir, following the deliberation of CAF and AMCA, the following issues for consideration arose:

(1) The County Assemblies required financial autonomy to effectively execute their mandates as provided for in the Constitution and other applicable laws. The financial autonomy will accord them the independence to effectively oversight the County Executive.

(2) The remuneration and benefits of Members of the County Assemblies (MCAs) need to be reviewed by the Salaries and Remuneration Commission (SRC). Members of the county assemblies are poorly compensated and remunerated and do not enjoy benefits that a Member overseeing a ward should.

(3) The SRC be advised to reinstate the plenary allowances for MCAs, being the best practice at the national level and all legislative assemblies in the world.

(4) The Kenya Revenue Authority (KRA) be required to revoke, revert and refund the 30 per cent tax levied on Members' car reimbursement, noting that the fund is an automatic privilege or facilitative fund for the Hon. Members upon assuming office. It is not a benefit as it has been misconstrued by the authority as demonstrated in the Advisory to the Clerk of the County Assembly of Tana River County, Reference No.P05143276073, dated 9th November, 2022.

(5) There is need for the pension and gratuity terms of Members of the County Assemblies (MCAs) to be provided.

Further, the Committee established that the County Assemblies Forum (CAF) and the Association of Members of the County Assembly (AMCA) are both clamouring for similar welfare issues on behalf of their membership. The major difference is the approach each association has employed to agitate for the welfare of their members.

Some of the county assemblies that are said to have adjourned *sine die* are on scheduled recess. These assemblies are expected to resume business in line with the Calendar of Sittings.

There is a need for the Senate to engage the Salaries and Remuneration Commission (SRC) to find an amicable solution to the issue. The assemblies executed important constitutional mandates of oversight, law making and representation, without which the devolved systems will face serious challenges. Therefore, there is need to adequately resource assemblies.

To this end, the Standing Committee of Devolution and Intergovernmental Relations undertakes to take the following steps to address the issue.

(1) Make a proposal to anchor CAF in Law.

This one is not well done.

The Speaker (Hon. Kingi): Chairperson, are you done with your Statement?

Sen. Abass: Mr. Speaker, Sir, *sijamaliza*. There is something missing here.

(Laughter)

The Speaker (Hon. Kingi): Sen. Abass, I hope you are not going to start.

Sen. Abass: No, Mr. Speaker, Sir. I will not start.

(2) Schedule a meeting with SRC and KRA to discuss the issues concerning the remuneration and benefits of MCAs.

Meanwhile, Mr. Speaker, Sir, the Committee urges all parties to resort to consultation and dialogue to resolve the outstanding issues. Furthermore, the Committee urges all county assemblies to continue performing their constitutional mandate role, bearing in mind that the Senate is looking into their welfare as provided for under Article 96 of the Constitution.

Mr. Speaker, Sir, as I conclude, I wish to thank your Office for the support accorded to the Members of the Committee in performing this duty. They worked tirelessly to defend devolution. I also wish to acknowledge the Secretarial support that the Committee has received from the Office of the Clerk.

Attached to this Report are copies of the SRC Circular on the remuneration and the aforementioned *Gazette* Notice for your information.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, I will allow limited interventions before we move to the next Order; two from the Government side and two from the Opposition side.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, for the indulgence and the directions that you gave that we need a progress report. I laud your decision to allow this matter to give us a progress report.

Mr. Speaker, Sir, we should endeavour to protect devolution under Article 96. One of the key devolved organs is the county assemblies. I laud the Committee for this positive progress. I hope your office and the Senate Leadership, both Majority and Minority, will ensure that when we retreat between the Council of Governors (CoG) and the Senate, we will continue to have this discussion.

I proposed to the Committee on Devolution and Intergovernmental Relations led by the Chairman, Sen. Abass, to transit these issues into the Committee of the Whole, where it will be chaired by Sen. Abass. That way, the leadership of the House, both Majority and Minority, and other colleagues who are not Members of the Committee, can sit here.

Secondly, I have got the position of the Committee on Devolution and Intergovernmental Relations. We have several county assemblies that have adjourned *sine die*. They are not on normal recess, but have adjourned indefinitely because of this matter.

Thirdly, I would have expected that by now, SRC could have given us a timeline of engagement through the Committee on Devolution and Intergovernmental Relations. I do not want to call it “return to work formula” or a Collective Bargaining Agreement (CBA), which is synonymous with workers. However, they could give us a take home, so that we avoid a situation where county assemblies are adjourning indefinitely.

Mr. Speaker, Sir, we were with MCAs of several counties who were appearing before the Committee on Public Accounts and Investments. For example, Makueni County Assembly appeared before us yesterday and they indicated that in fullness of time, they might need to adjourn indefinitely.

Mr. Speaker, Sir, can the Committee on Devolution and Intergovernmental Relations brief the House on Tuesday or Wednesday next week, as per your direction under Standing Order No.1, on what SRC and CoG are doing.

Concerning CAF, we are proposing legislative and policy intervention to be anchored in law as a forum where these issues can be raised. The MCAs are looking upon us. This is their last line of defence. I call upon colleagues to stand with our leaders, who are *mashinani*.

In conclusion, whenever there is a problem, these MCAs will always be at their home. Be it harambees or any issue in the village. These MCAs are very important because they are the primary oversight. They play the role that we play.

Mr. Speaker, Sir, with those many remarks, thank you for giving the personal attention and the attention of the House to this matter of MCAs. We hope it can be resolved, so that MCAs can go back to their representative, oversight and legislation work as provided by the Constitution.

Thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Wambua.

(Sen. (Dr.) Oburu walked to the Dispatch Box)

Sen. (Dr.) Oburu, you may have to wait for your chance.

(Laughter)

Sen. Wambua: It is okay, Mr. Speaker, Sir. I hear Sen. Cheruiyot trying to issue cold threats. I will ignore that.

I listened to the Chairman of the Committee on Devolution and Intergovernmental Relations. I have also listened to the response from Sen. Cherarkey. I am disappointed that the instructions that you gave and the Report that we have received today are at variance. We were supposed to get a Progress Report on what would have transpired between that time and today.

That report is so shallow that the Chairman of Committee on Devolution and Intergovernmental Relation is making reference to 16 counties that he does not even name. He says that 16 counties have adjourned *sine die*. We do not even know those county assemblies.

I received a letter from your office that we have a meeting tomorrow with CoG and that it will run through this weekend. I would have expected the Committee on Devolution and Intergovernmental Relations to engage the organisers of that event, since two of those organisers are Senators here; Sen. Ali Roba and Sen. M. Kajwang'. They should have engaged to schedule a conversation on the sidelines, to deal with this matter of MCAs while we retreat with governors in Naivasha.

How is it that we will be having a meeting with the CoG in Naivasha for an entire weekend, yet the issue of the operations of 16 counties is not at the core of this conversation? I am disappointed because---

Sen. Kinyua: On a point of information, Mr. Speaker, Sir!

The Speaker (Hon. Kingi): Sen. Wambua, would you wish to be informed by Sen. Kinyua?

Sen. Wambua: Mr. Speaker, Sir, the Senator can inform me anytime.

Sen. Kinyua: Mr. Speaker, Sir, I just wanted to inform Sen. Wambua that governors and Members of the County Assembly (MCAs), from where I sit, are two distinct institutions. That is why we have Council of Governors (CoGs) and MCAs sitting differently.

The Speaker (Hon. Kingi): Well, Sen. Wambua, if you find that useful, you may ride on it.

(Laughter)

Sen. Wambua: Mr. Speaker, Sir, that information is not useful to me. It is okay. I will ignore it.

Mr. Speaker, Sir, in that Progress Report that the Chairperson of the Committee on Devolution and Intergovernmental Relations has given, he is proposing a meeting between the Senate and the Salaries and Remuneration Commission (SRC).

My expectation was he was coming to report to us the recommendation and findings of the first, second and third meeting that they have had with SRC.

Mr. Speaker, Sir, I call on my friend whom I had lunch with today, Sen. Abass and the Committee, to up their game. This matter is a threat to devolution as we know it.

If we continue doing library research on reports that we bring to the Table and do things to tick boxes, we put devolution at risk. We must defend devolution. The first line of defending devolution is to make sure that MCAs are taken good care of, so that they can take care of devolution at the grassroots.

The Speaker (Hon. Kingi): Proceed, Sen. Mungatana.

Sen. Mungatana MGH: Mr. Speaker, Sir, I acknowledge the efforts by the Chairperson of the Committee on Devolution and Intergovernmental Relations. However, we are disappointed because it has not gone far enough.

Why I say so and why this House should be very worried is because the first Senate that was established after Kenya gained independence was killed by the first President of the Republic of Kenya, His Excellency Jomo Kenyatta.

He denied the devolved units funds and that is how it ended. Now, our MCAs are being denied funds. It is that serious. This is the beginning of the end of devolution.

(Sen. Abass consulted Sen. Cherarkey)

Mr. Speaker, Sir, the Chairman is not even listening to our reaction. I do not know what he is saying. He should take it seriously.

The Speaker (Hon. Kingi): Sen. Abass, the Senators are reacting to your Report. If you cared to listen, you may ---

Sen. Mungatana, MGH: We are not happy. You read a story here and you are not telling us that the issue is money. You have not told us whether you have engaged the National Treasury and the Principal Secretary (PS), Ministry of Devolution and ASALs.

This Government has removed the Cabinet Secretary for Devolution and ASALs. So, we do not have a Cabinet Secretary for Devolution and ASALs, but we have a PS. If there is no money, these governors and County Executive Committee Members (CECM) are going to run wild. Nobody is going to oversight them. This is not going to be enough because we conduct secondary oversight.

Therefore, I join my friend, Sen. Wambua, to say that we need a more comprehensive statement. We need to be told what is going to be done. You are not telling us what should happen. Something must be done.

This is so serious that maybe, we should be having a retreat with MCAs to hear them instead of listening to the governors. The governors are comfortable, but the MCAs are having a problem. We should be listening to them.

I am urging the Committee on Devolution and Intergovernmental Relations to take this matter more seriously and heed to your directions and come with solutions before this House.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. (Dr.) Oburu.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Abass, you have already made your Report. Allow the Senators to give their reactions to your Report.

Sen. (Dr.) Oburu: Mr. Speaker, Sir, thank you for the opportunity. I must admit that I am a Member of the Committee on Devolution and Intergovernmental Relations. The report that has been given is on progress.

Mr. Speaker, Sir, what was asked for was the progress report. The short time given to the Committee cannot resolve such a fundamental issue. What Members are expecting is a bit too much within a short space of time, which was given to the Committee.

This is a progress report. The Committee has scheduled several meetings with all the people that you are talking about. I am sure the Committee will do what is necessary and bring a comprehensive report. This was a just progress report.

The issues being discussed are very serious because they are at the core of devolution. As you are aware, this Parliament used to be an appendage of the Office of the President. We did not have the Parliamentary Service Commission (PSC). We used to have our budgets budgeted for under the Office of the President.

It took a long struggle for Members of Parliament (MPs) and the public to give Parliament a bit of independence and give them their own budget line through the PSC.

Mr. Speaker, Sir, it is very serious that not only the MCAs, but the county assemblies receive their budget through the executive. Nonetheless, they are supposed to oversight the executive. How do you oversight when you are depending financially on the allocation? If they want to delay, they can delay you. If they want to muzzle you, they can do so because they are the ones budgeting and giving you the funds.

Mr. Speaker, Sir, these are fundamental issues of devolution which must be resolved. However, within the short period of time given, it was not possible to do more than the Committee did. Nonetheless, we are going to do our best.

I am not speaking for the Chairman. He will speak for himself. Personally, as a Member who is very passionate about these issues, I am very sure that we are going to do the needful. We are not going to leave this issue hanging because we are all interested in the solutions.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Ali Roba.

Sen. Ali Roba: Thank you, Mr. Speaker, Sir, for this opportunity. For the sake of information and a challenge to the Committee, the SRC had just amended this by releasing a circular two weeks to the election.

However, the monies going to county assemblies have not been reduced in essence. Only the allowances of MCAs have been reduced. What is happening is that the Circular of 2017 that was in operation had given remuneration and allowances for the same ceiling that we had in 2022/ 2023 and 2021/2022.

The Commission for Revenue Allocation (CRA) has issued a new Circular affecting the MCAs allowances. The monies going to county assemblies have not been reduced in essence.

What we need is for the Commission on Revenue Allocation (CRA) to vacate the Circular that they had issued. The money is already in the county assemblies because those benefits are there and, therefore, they can continue enjoying them before we even get to the demands that they have right now, considering the financial situation and performance of our economy.

What I want to bring to the attention of the House is that you refer to the ceilings as given in County Allocation of Revenue Act (CARA) of 2021/2022 and then compare it with the CARA of 2022/2023. What will apparently come out is that the money sent to county assemblies has not reduced. What has reduced is a circular, which has been released disadvantaging the Members of County Assembly (MCAs), while the money going to the assemblies has not been reduced by way of allocation.

The first and immediate remedy is to have the Salaries and Remuneration Commission (SRC) revert to the Circular of 2017, which was in operation. That will really improve their current position. Then, the demand that they have right now can be addressed when the economy performs a little bit better.

It is just for the Committee to interrogate and see from the perspective of the ceiling allocated before the circular and now. What will apparently come out is that no additional money will be required to remedy the situation at hand.

Thank you very much, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. This is a very serious matter. Devolution is very important. The Senate is set out in the Constitution to protect and defend devolution.

It is very clear from what has been presented that the Committee on Delegated Legislation has some work to do because the circulars issued by SRC is a regulation of some sort which, unfortunately, has not been controlled by the Senate or National Assembly for quite some time. I think that is also a role of this House, so that we take care our MCAs. Sen. Ali Roba, has confirmed that the funds are there.

What needs to be done is vacation of that illegal Circular. Not unless they agree to do so, the only other way to vacate it is by the Committee on Delegated Legislation summoning SRC, take up this particular issue and annul it because that is perfectly within the powers of this House. If that happens, then sanity will be restored and the MCAs will get their dues as is required by law.

Finally, the idea of reducing salaries for MCAs only happens here. Ordinarily, under labour laws, you cannot reduce somebody's salary. You can only maintain or increase it when they perform better.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Finally, Sen. Cheruiyot.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I have keenly followed the debate this afternoon. I also have a few things to say.

One, I feel that we are being unfair to the Committee on Devolution and Intergovernmental Relations, its Chairman and Members. While it is okay for Members to hold different views on the approach a particular Committee has taken on issues and matters that are before it, this matter has been with the Committee for hardly two weeks. Therefore, I feel we are being unfair to colleagues like Sen. Wambua and the rest that I have heard coming so heavy on the Committee.

Mr. Speaker, Sir, the Committee on Devolution and Intergovernmental Relations is not an ordinary Committee. I came to learn this during the last term when many of us were knocked out of what used to be considered then as prestigious Committees. I was dumped into the Committee on Devolution and Intergovernmental Relations under the

Chairmanship of Sen. M. Kajwang'. We did a lot of work. I learnt a lot under this Committee on the importance and place of devolution in this country.

This is a matter that I do not wish our Committee to rush and gloss over. We were in this House last week when Sen. (Prof.) Tom Odhiambo Ojienda gave an erudite presentation on the place of county assemblies. He said we would be cheap as a House if we reduce this conflict to be just about money. It is not about money alone. It is not about the salaries of MCAs alone. There is more that we need to do as a House about this particular issue. I felt for a fact that is what the Chairman, Sen. Abass, was presenting before us this afternoon.

We were listening to him and he said that as a Committee, they have scheduled meetings. I believe as a Committee, they can benefit a lot from the contributions that are being made by various Members. I listened to what Sen. (Dr.) Oburu thinks about the matter. I believe the Chair has noted. I am glad he agrees with me that we are being too critical of the Committee too early in the day. What we need to give them is our point of views.

Mr. Speaker, Sir, for your information, there is nobody serving their second term and above in this House, who has a moral latitude on this issue of county assemblies. I say it to Sen. Wambua. We have failed as House, for the fact that up to now, we have never separated the accounts of the executive and assemblies in our counties. We have done nothing about it for the time that we have been in this House. We have failed. Therefore, we look up to this Committee, to help us resolve that particular impasse. Let us not be simplistic about it.

I urge Sen. Abass and the Members of the Committee on Devolution and Intergovernmental Relations to listen to what Members are saying, then lead and guide us, as a House. This is about posterity and the place of devolution in our country, so that our MCAs can serve with dignity.

I feel embarrassed and this is the situation that is happening in all our county assemblies, where MCAs are reduced to beggars. They have to chase and follow the governors and sing to their tunes because of Kshs86,000 and no mileage or facilitation of any form whatsoever. It does not have to be salary. Give them resources. Facilitate their offices so that they can move around and oversight. They should not have to chase and bootlick governors for them to find a place and purpose in the jobs that they have picked.

Finally, I feel that the Committee on Devolution needs to improve on somethings as well. I was not putting up a defence to say that the Committee is perfect. I know there are things that they need to improve on. One of the things that we said here a few months ago when we began is that as Committees let us be reactive and follow through conversations that are happening in our country, especially those that concern devolution.

Mr. Speaker, Sir, I say this at a risk of being seen as preempting debate. I am aware that we have impeachment proceedings before this House in the next few days. However, you know that there is a difficult situation potent in almost every county. Governors and deputy governors are speaking at cross-purposes. My own county is an example. There are so many other counties.

I expect the Committee on Devolution and Intergovernmental Relations to guide and lead us. They should help us know and appreciate this issue. What is it that we can do so that the dream and position of a deputy governor cannot just be what we observe it

to be? That if you are not a flower girl to your boss, then you are reduced and left out in the cold.

Mr. Speaker, Sir, I know you served as a Governor and perhaps have a few things to say about this particular topic. They could tap onto your wisdom as well as those of colleagues who have served as Governors.

I challenge the Committee on Devolution and Intergovernmental Relations to look into this particular matter because I see debates being carried out eight months after the elections, where governors and their deputies fighting in public.

The Committee on Devolution and Intergovernmental Relations can certainly guide and lead us. I know it is impossible to define roles. I do not know what the solution will eventually be, but at least I know the present situation in most of our counties, where deputy governors only take tea and read newspapers from Monday to Friday. It is not the constitutional design of what their jobs and duties should be. It is the Committee on Devolution and Intergovernmental Relations that will guide and lead us to the right path.

I encourage this Committee to conclude their work and many issues that face the devolution family.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, before I allow the Clerk to call the next Order, I would wish to invoke Standing Order No. 45 (2) to rearrange the sequence of the Order Paper of the day.

We will defer Order No.8.

BILL

Second Reading

THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)

(Bill deferred)

We will proceed to prosecute Order No. 9.

Order No. 10 will be deferred.

COMMITTEE OF THE WHOLE

THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)

(Committee of the Whole deferred)

We will then move to Order No.11 and, thereafter, we will follow the sequence as contained in the Order Paper.

Before I call upon the Clerk to call the next Order, I have these Communications to make.

COMMUNICATIONS FROM THE CHAIR**VISITING STUDENTS AND TEACHERS FROM ONTULILI
BOYS HIGH SCHOOL, MERU COUNTY**

Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon of visiting teachers and students from Ontulili Boys High School, Meru County. The group comprises two teachers and 50 students who are in the Senate for a one day academic exposition.

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

(Applause)

**VISITING STUDENTS AND TEACHERS FROM GLORY
LEARNING CENTRE, EMBAKASI EAST**

Hon. Senators, I would also like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from Glory Learning Centre, Embakasi East. The group comprises four teachers and 48 students who are in the Senate for a one day academic exposition.

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

(Applause)

I will allow Sen. Sifuna, in under one minute, to welcome the students from Embakasi East and Sen. Lemaltian to, in one minute, welcome the boys from Ontulili Boys High School; in that order.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I join you and the House in welcoming the students who have visited us this afternoon. It is an interesting day to visit the Houses of Parliament, a bit more interesting on the other side of the National Assembly because of the very live debate on the Finance Bill. However, it is not too bad here either. I hope that you have caught a few things that will help you in advancing your education.

Those of you who are hoping to become politicians or leaders, like the ones that you have heard speak here today, we wish you all the best. I would like to thank your parents and all the people of Embakasi East Constituency for their continued support of their Senator from the time of election to date. I pray that whatever it is you dream of becoming, those dreams come true.

I wish to stop there and thank the teachers for choosing to visit the Senate this afternoon. I believe we can meet outside behind the tent once you are done with this particular engagement.

I thank you.

Sen. Lemaltian: Thank you, Mr. Speaker, Sir. On behalf of this hon. House, I would like to welcome the boys from Ontulili School. I would like to tell you one thing and that is the motto I grew up with in primary school; transparency, self-discipline and determination leads to success. Once you focus on the three, you are sure to achieve and attain all your goals while putting God first.

This is the Senate, where laws affecting counties are made. This is the “Upper” House of Parliament.

Welcome and God bless.

The Speaker (Hon. Kingi): Next Order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO. 16 OF 2023)

THE PRESERVATION OF HUMAN DIGNITY AND
ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL
(SENATE BILLS NO. 7 OF 2022)

The Temporary Chairperson (Sen. Mumma): Sen. (Dr.) Khalwale, please, proceed.

Sen. (Dr.) Khalwale: Madam Temporary Chairperson, I am standing on a matter of procedure. I believe the Speaker said he was rearranging the Order Paper, so that we start from Order No. 9, but I can see now the Committee of the Whole is meeting over Order No.11.

The Temporary Chairperson (Sen. Mumma): We will begin with Order No. 9.

Hon. Senators, we are now in the Committee of the Whole to discuss Order No. 9, The County Allocation of Revenue Bill (Senate Bills No.16 of 2023) and Order No. 11 The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022).

We start with Order No. 9.

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO. 16 OF 2023)

Clauses 3-10

(Question, that Clauses 3, 4, 5, 6, 7, 8, 9

and 10 be part of the Bill, proposed)

Division will be at the end.

First Schedule

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

Division will be at the end.

Second Schedule

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:
THAT, the Bill be amended by deleting the Second Schedule and substituting therefor the following new schedule-

SECOND SCHEDULE

County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2023/2024 (Figures in Kenya Shillings)					
No.	County	County Assembly Ceilings		County Executive Ceilings	
		2022/2023	2023/2024	2022/2023	2023/2024
1	Baringo	712,229,059	828,250,102	607,049,529	628,507,168
2	Bomet	621,143,848	826,903,256	588,023,141	525,981,274
3	Bungoma	873,284,854	1,030,966,304	664,128,690	593,145,551
4	Busia	765,019,229	890,557,352	626,075,916	565,353,297
5	Elgeyo/Marakwet	592,408,337	688,567,522	568,996,754	540,143,817
6	Embu	594,786,279	655,164,072	568,996,754	470,665,205
7	Garissa	815,801,264	928,822,377	607,049,529	517,163,240
8	Homa Bay	872,842,726	951,617,005	645,102,303	612,652,603
9	Isiolo	451,013,358	539,314,722	492,255,576	384,717,582
10	Kajiado	699,076,887	836,365,718	562,230,871	543,625,285
11	Kakamega	1,097,653,117	1,400,821,103	721,207,850	702,976,417
12	Kericho	708,995,621	828,466,755	607,049,529	574,171,331
13	Kiambu	1,114,698,533	1,352,347,776	721,207,850	689,615,145
14	Kilifi	779,167,171	942,241,093	626,075,916	552,882,777
15	Kirinyaga	582,922,761	673,319,674	556,100,619	463,453,685
16	Kisii	940,958,856	1,112,890,743	664,128,690	635,010,868
17	Kisumu	718,886,210	827,121,358	626,075,916	548,429,020
18	Kitui	862,047,458	1,042,409,957	645,102,303	787,239,883

County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2023/2024 (Figures in Kenya Shillings)					
No.	County	County Assembly Ceilings		County Executive Ceilings	
		2022/2023	2023/2024	2022/2023	2023/2024
19	Kwale	617,790,583	667,712,409	568,996,754	436,816,651
20	Laikipia	467,754,457	545,809,049	524,178,098	429,430,142
21	Lamu	419,261,939	493,148,394	492,255,576	349,978,277
22	Machakos	865,126,181	1,021,331,660	645,102,303	618,887,863
23	Makueni	729,754,316	882,052,960	607,049,529	597,330,868
24	Mandera	864,090,152	983,911,204	616,986,522	537,192,934
25	Marsabit	678,317,733	714,092,325	568,996,754	477,791,217
26	Meru	938,478,295	1,105,946,626	664,128,690	802,472,137
27	Migori	857,185,385	1,003,508,709	645,102,303	609,089,597
28	Mombasa	674,783,021	837,169,783	607,049,529	414,726,825
29	Murang'a	753,378,653	830,709,033	626,075,916	633,050,405
30	Nairobi City	1,446,962,393	1,924,120,608	816,339,786	640,180,465
31	Nakuru	1,006,312,104	1,160,413,432	702,181,463	703,777,688
32	Nandi	666,771,490	796,999,461	607,049,529	647,212,948
33	Narok	734,655,062	911,202,495	607,049,529	545,667,285
34	Nyamira	610,515,511	746,578,493	568,996,754	458,194,685
35	Nyandarua	651,697,338	770,438,804	588,023,141	533,107,285
36	Nyeri	692,693,761	776,126,610	607,049,529	605,347,631
37	Samburu	517,964,444	593,254,286	533,708,983	482,789,720
38	Siaya	683,152,880	775,678,151	607,049,529	540,322,777
39	Taita/Taveta	620,545,692	681,840,554	568,996,754	439,488,905
40	Tana River	582,990,790	677,653,973	537,074,233	436,641,663
41	Tharaka -Nithi	434,745,770	517,563,626	524,178,098	445,463,668
42	Trans Nzoia	643,357,859	685,259,476	588,023,141	427,107,865
43	Turkana	818,680,328	966,834,859	607,049,529	526,961,505
44	Uasin Gishu	703,027,730	796,524,510	607,049,529	474,407,171
45	Vihiga	637,128,800	714,071,318	588,023,141	487,678,963
46	Wajir	853,371,986	992,922,326	597,112,535	599,569,960
47	West Pokot	603,044,748	683,634,469	568,996,754	589,135,145
	Total	34,576,474,969	40,612,656,492	28,486,731,667	25,825,556,396

(Question of the amendment proposed)

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

Clause 2, the Title and Clause 1

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

Division will be at the end.

We do not seem to have the numbers for Division. Therefore, I call upon the Mover to report progress.

Sen. Ali Roba: Madam Temporary Chairperson, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole---

The Temporary Chairperson (Sen. Mumma): Just hold on, Sen. Ali Roba. Members seem to want us to go to Division. Therefore, we request that you hold on. Let us go to the next Bill and then we will have Division for both.

Sen. Ali Roba: Thank you.

(Sen. (Dr.) Khalwale consulted with the Temporary Chairperson)

The Temporary Chairperson (Sen. Mumma): Hon. Senators, we are now going to Order No.11.

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF
ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO.7 OF 2022)

Clause 3

The Temporary Chairperson (Sen. Mumma): The amendment should be moved. Sen. Mungatana, you have the Floor. Do you want to approach the Table?

Sen. Mungatana, MGH: Yes.

(Sen. Mungatana consulted with the Temporary Chairperson (Sen. Mumma))

The Temporary Chairperson (Sen. Mumma): Hon. Senators, we will resume. The Chairperson of the Committee, Sen. Wakili Sigei, will move the amendments.

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:

THAT Clause 3 of the Bill be amended by –

- (a) deleting paragraph (e); and
- (b) deleting paragraph (f).

(Question of the amendment proposed)

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

Clause 4

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:

THAT Clause 4 of the Bill be amended in paragraph (e) by inserting the words “effective” immediately after the word “coordinated”.

(Question of the amended as proposed)

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

Clause 5

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:

THAT Clause 5 of the Bill be amended in subclause (1) by —

- (a) deleting the expression “53(1)(c)” appearing immediately after the words “out under Articles 43(1)” in the introductory phrase and substituting therefor the words “53(1)(c) and 57(d);
- (b) deleting paragraph (c) and substituting therefor the following new paragraph (c) —
 - (c) ensure the availability, affordability, accessibility, adaptability, acceptability of quality goods and services that would facilitate the realization of economic and social rights.

(Question of the amendment proposed)

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

Clause 6

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

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

Clause 7

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:

THAT Clause 7 of the Bill be amended in subclause (1) by deleting paragraph (g) and substituting therefor the following new paragraph —

- (g) advise and make recommendations to the authority responsible for implementation of social assistance programs regarding the delivery of social assistance programmes.

(Question of the amendment proposed)

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

Clause 8

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

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

Clause 9

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:

THAT Clause 9 of the Bill be amended –

- (a) in the marginal note by deleting the words “for the realization of economic and social rights” appearing immediately after the words “County strategic plans”;
- (b) in subclause (2) by deleting paragraph (d) and substituting therefor the following new paragraph –
 - (d) objectives that would facilitate the availability, affordability, accessibility, adaptability and acceptability of quality goods and services relevant to the realization of economic and social rights; and
- (c) in subclause (3) by deleting paragraph (c) and substituting therefor the following new paragraph –
 - (c) adopt strategies and plans that enhance the availability, affordability, accessibility, adaptability and acceptability of quality goods and services aimed at facilitating the realization of economic and social rights.

(Question of the amendment proposed)

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

Clauses 10 and 11

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

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

Clause 12

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:

THAT Clause 12 of the Bill be amended –

- (a) in subclause (1) by deleting the words “for the implementation of a county strategic plan” appearing immediately after the words “receipt of grant or donation” in the marginal note; and
- (b) in subclause (2) by inserting the words “and the annual County Governments Additional Allocations Act applicable in the respective financial year” immediately after the words “Public Finance Management Act”

(Question of the amendment proposed)

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

Clause 13

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:
THAT, Clause 13 of Bill be amended –
in sub clause (2) by inserting the words “Gazette and in the”
immediately after the words “publish the plan in the”.

(Question of the amendment proposed)

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

Clause 14

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:
THAT Clause 14 of the Bill be amended in subclause (2) by
inserting the following new paragraph immediately after paragraph (b) –
(ba) the Attorney General.

(Question of the amendment proposed)

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

Clauses 15 - 18

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

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

Clause 19

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:
THAT the Bill be amended by deleting subclause (1) and
substituting therefor the following new subclause –
(1) The Cabinet Secretary shall, within twelve months from the
commencement of this Act and in consultation with the Commission,
make regulations generally for the better carrying out of the provisions of
this Act.

(Question of the amendment proposed)

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

Clause 20

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:
THAT the Bill be amended by deleting Clause 20.

(Question of the amendment proposed)

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

Clause 21

*(Question, that Clause 21 be
part of the Bill, proposed)*

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

Clause 22

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:

THAT clause 22 of the Bill be amended in subclause (1) by deleting the words “six months” appearing immediately before the words “after commencement of” and substituting therefor the word “twelve months”.

(Question of the amendment proposed)

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

Clauses 23 and 25

*(Question, that Clauses 23 and 24
be part of the Bill, proposed)*

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

The Schedule

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:

THAT the Schedule to the Bill be amended by deleting the words “social and economic rights” appearing in the heading and substituting therefore the words “economic and social rights”.

(Question of the amendment proposed)

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

Clause 2

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:

THAT Clause 2 of the Bill be amended –

- (a) by deleting the definition of the word “Equalisation Fund”;
- (b) by deleting the definition of the word “subsidy programme”;
- (c) by deleting the definition of the word “person in need”;

(d) by deleting the definition of the word “vulnerable persons” and substituting therefore with the following new definition-

“vulnerable persons” means persons who are unable to meet their economic and social needs and include children, pregnant and nursing mothers, older members of society, internally displaced persons, persons with disabilities, the sick, persons with chronic illnesses, victims of conflict, persons living in marginalised areas, and members of marginalised communities or groups and such other groups as the Cabinet Secretary may, by notice in the Gazette, or the respective county governor may, by notice in the Gazette and county Gazette, designate ;

- (d) by inserting the following new definition immediately after the definition of the word county executive committee member –
“county integrated development plan” means the five-year plan developed by a county government in accordance with section 108 of the County Governments Act.

(Question of the amendment proposed)

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

Title

Sen. Wakili Sigei: Thank you Madam Temporary Chairperson, the Committee proposes-

THAT the Bill be amended by deleting the Long Title and substituting therefor the following new Long Title –

AN ACT of Parliament to provide a framework for the promotion, monitoring and enforcement of economic and social rights; to establish mechanisms to monitor and promote adherence by the National and county governments to Article 43 of the Constitution; and for connected purposes.

(Question of the amendment proposed)

Clause 1

Sen. Wakili Sigei: Madam Temporary Chairperson, I beg to move:

THAT Clause 1 of the Bill be amended by deleting the words “Preservation of Human Dignity and Enforcement of” appearing immediately after the words “be cited as the”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Hon. Members, looking at the numbers, I wish to request that the movers report progress. We begin with the Mover on Order No. 9 - The County Allocation of Revenue Bill (Senate Bills No.16 of 2023). Proceed, the Chairperson Standing Committee on Finance and Budget.

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO. 16 OF 2023)

Sen. Ali Roba: Thank you, Madam Temporary Chairperson. Pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress of its consideration of the County Allocation of Revenue Bill (Senate Bills No. 16 of 2023) and seek leave to sit again tomorrow.

I thank you.

Sen. Wakili Sigei seconded.

(Question proposed)

(Question put and agreed to)

THE PRESERVATION OF HUMAN DIGNITY AND
ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL
(SENATE BILLS NO. 7 OF 2022)

The Temporary Chairperson (Sen. Mumma): We now move to report progress on the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022). Mover.

Sen. Mungatana, MGH: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022) and its approval thereof with amendments and seek that we sit tomorrow.

The Temporary Chairperson (Sen. Mumma): Sen. Mungatana, please approach the Chair.

(Sen. Mungatana consulted the Chair)

Sen. Mungatana, MGH: Madam Temporary Chairperson, pursuant to Standing Order No. 153, I beg to move that the Committee of the Whole do report progress on its consideration of the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022), and seek leave to sit again tomorrow. Thank you.

Sen. Wakili Sigei seconded.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

The Temporary Speaker (Sen. Veronica Maina): Hon. Members, we are back to Session. I will request the Chairperson of the Committee dealing with the County Allocation of Revenue Bill (Senate Bills No. 16 of 2023) to report.

PROGRESS REPORTED

THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 16 OF 2023)

Sen. Mumma: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the County Allocation of Revenue Bill (Senate Bills No. 16 of 2023) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Veronica Maina): I now invite the Mover of the County Allocation of Revenue Bill (Senate Bills No. 16 of 2023).

Sen. Mutinda: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said Report.

I request my senior colleague, Sen. (Dr.) Khalwale, to second.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, Sir, I rise to second the Motion as moved.

(Question proposed)

(Question put and agreed to)

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 7 OF 2022)

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, I now invite the Chairperson to report on the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022), Sen. Mumma.

Sen. Mumma: Madam Temporary Speaker, I beg to report progress that the Committee of the Whole has considered the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.7 of 2022) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Veronica Maina): I now invite the Mover of this Motion, Sen. Mungatana, to move.

Sen. Mungatana, MGH: Thank you, Madam Temporary Speaker. I beg to move that the House do agree with the Committee in the said Report and call upon Sen. (Dr.) Khalwale to second.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. I rise to second this Motion as moved.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. (Dr.) Khalwale.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, the House now resumes the usual business and I request the Clerk to call the next Order.

BILL

Second Reading

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

The Temporary Speaker (Sen. Veronica Maina): Sen. Mutinda.

Sen. Tabitha Mutinda: Thank you, Madam Temporary Speaker. I rise pursuant to the provisions of the Standing Order No. 146 of the Senate, to move that the Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022) be now read a Second Time.

First, I will start by thanking the Members of the Committee on Agriculture, Livestock and Fisheries for looking at the Bill. I also thank the Committee for engaging in public participation on the Bill.

I would like to thank the Clerk of the Senate and also the Speaker for facilitating the development of this Bill. Finally, I thank the legal team led by Dr. Okello. Madam Temporary Speaker, I will start by stating that the principal objective of this Bill is the development and provision of agriculture and livestock services. Currently, there is no legislation providing for this important aspect.

Madam Temporary Speaker, before I delve into the content of this important Bill, I would like to give some brief background information on why the provision of extension services is key to our country at this moment, noting that agriculture is a devolved function.

The agricultural sector provides 80 per cent of Kenya's population, most of whom are subsistence farmers in rural areas. The sector contributes to about 24 per cent of the Gross Domestic Product (GDP) and another 25 percent indirectly to the sector. It accounts for about 65 per cent of the country's export earnings.

Madam Temporary Speaker, a well-functioning extension service operated by the public and private sectors is one of the critical inputs that is really required for increased agricultural and livestock output. Farmers in commercial and modern farming will attain food security in the country. It will also improve the income and reduce poverty in the different regions of our country.

For the last ten years of devolution, agriculture and livestock extension services have received passive attention. At this moment, the gap in this key and significant area needs to be narrowed in order to achieve maximum agricultural and livestock productivity in our country. Extension services play a significant role. As I have stated earlier, they range from boosting the food security and enhancing the rural livelihood. Indeed, these services have numerous benefits to the farmers.

Agriculture is a primary source of income. In this regard, the extension services play a key role to increase productivity and quality of crops and livestock. Farmers will earn more money and in turn, raise their living standards.

From the foregoing, it is important to have a legislative framework that will provide a critical sector that has direct impact on agricultural productivity for the country and hence livelihoods for Kenyans.

Madam Temporary Speaker, with your permission, I wish to proceed on to the various provisions of the Bill. Clause 3 of the Bill provides the key objectives of the Bill. They include to foster coordination and collaboration in extension services research between the national and county governments. As I have said, it is a devolved function. It will also foster coordination between the two levels of Government and Non-Governmental Organisation (NGOs) such as the Food and Agricultural Organisation (FAO), Kenya Plant Health Inspectorate Service (KEPHIS) and Kenya Medical Research Institute (KEMRI) together with learning institutions, research bodies and other State actors.

The Bill will also promote and generate high income for farmers and traders through increased production and sourcing of competitive markets. Markets are a key factor because it is in this part that the Bill will ensure local products have a direct market. This will reduce what for a long time has been a cartel group of brokers who come in between the farmers' hard work. Through proper market strategies, the Bill will facilitate the products to have a good market share. It will be an area of increased income and revenue.

Further, the Bill provides an adoption of a sector-wide approach in provision of services which enable appropriate quality services. Quality services is a key factor to note. It is one thing to decide that one is doing farming; but another to have the technical know-how and skills to ensure that this particular commodity will have the required yields as per the standards of the different by-products, such as fertilizers and the pH level of the different type of soils in the regions. This Bill will guide us by providing technical experts who are averse in these areas and hence, they will give guidance to farmers to improve the quality of cash crops. The upshot of this is higher productivity, increased income and better standards of living.

Madam Temporary Speaker, according to FAO, agriculture research and extension systems are central to unlock the potential of agricultural innovation and achieving Sustainable Development Goals (SDGs). Agricultural research and extension advisory services are essential to increase productivity and promote sustainable agricultural growth. Experts will use innovative methodologies in different ways, keeping in mind we are in 2023 and technology has changed.

It is through these advanced methodologies that there has been improved by-products that will help provide maximum production and germination of cash crops. We need to have the right bodies and experts to give guidance to farmers at all levels in all regions.

Clause 6 of the Bill establishes an extension services body. This is a corporate whose function is provided under Clause 8. The main functions include enhancing competitiveness of food security in Kenya and also increasing long-term agricultural productivity, while maintaining and enhancing natural resources based on the products from different counties. Different regions have different products, natural resources and output of cash crops. For example, tea is a cash crop that does well in the Rift Valley region.

The service will also develop new users and products on agricultural commodities. Remember, the focus of the Bill is to improve ways of adding value to agricultural products, so that even the market becomes wide.

In performing its function, the service will also encourage the use of Information, Communication and Technology (ICT). There will be a database for all the farmers in the region with all the information regarding the type of crops they will be farming, the fertilizer they need and all the guidance needed. Technology will ensure continuous communication, unlike earlier on when we used to have extension service officers. We are at an advanced digital level and the Ministry of Information, Communications and the Digital Economy is working on digital hubs. Farmers will be trained and there will be a data base because information will be remitted on time.

The world is rapidly moving to information technology. Through this Bill, the agricultural sector is expected to take advantage and develop to fill the void of traditional or old school extension strategies. ICT has the potential to respond to a number of challenges that confront the extension services sector. Further, the service is tasked with developing and coordinating inter-governmental relation mechanisms by ensuring they deliver services related to the extension services.

[The Temporary Speaker (Sen. Veronica Maina) left the Chair]

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

Mr. Temporary Speaker, Sir, Clause 9(17) of the Bill provides management of service vested on a board of directors. It talks about a Chairperson who shall be appointed by the Cabinet Secretary; and a Principal Secretary responsible for matters relating to agriculture; and another relating to matters of livestock. It also talks of two persons with knowledge and expertise in the field of extension services, nominated by the Council of Governors (CoG). Remember, agriculture is a devolved function and county governments play a key role in this particular Bill.

In the Board, there will be one person representing the national farm or produce organisation nominated by CoG. There will be one person representing the Kenya Agricultural and Livestock Research Organisation (KALRO), who will be nominated by the organization.

“(g) one person representing the National Association of Agriculture and Livestock Extension Service Providers nominated by the Association.

(h) one person representing extension services training institutions nominated by the Cabinet Secretary; and,

(i) the chief executive officer;

(4) The chief executive officer shall be an *ex-officio* member and secretary to the Board and shall have no right to vote at any meeting of the Board.”

The Chief Officer shall be responsible for the day-to-day running of the business. He will also be the manager like in any organization. He/she will be appointed for a term of five years which is renewable once.

Agriculture including crop and animal husbandry is a devolved function. Clause 26 (1) sets out the role of the county governments, just to mention a few-

“(a) implement the national Government policy and standards relating to the extension services sector;

This is a key part because without the standards it lacks the guidance on what is supposed to be achieved and the outcome.

(b) regulate and promote extension services within the respective county;

(c) collect, collate and disseminate information on extension services industry including the appropriate technology and practices to ensure maximization of yields and sales by stakeholders”

The information is what is required by farmers to ensure there is value and maximum output yield on the different crops and livestock.

“(d) coordinate the activities of persons, organizations and any other associations within the field of extension services;

(e) facilitate access by players in the extension services sector to such resources and financial support as may be necessary to promote the use and development of extension services in the respective county.”

Clause 26 (2) states that-

“Each county executive committee member shall, in ensuring that the county government fulfils its obligations under subsection (1)-

(a) maintain an up to date register of extension services providers as it considers appropriate in that county.

(b) consider applications for the permits and licenses.

(e) provide training on extension service programmes and disseminate information to stakeholders on entrepreneurial and other technical skills and values, attitude formation and socio-economic development strategies.”

The programmes are the skills and know-how on the quantity of fertilizer and seeds needed for the soil in a region. Technical ability and the socio-economic development strategies are important.

“Clause 27 (1) of the Bill states that-

The funds of the Service shall consist of-

(a) monies appropriated by Parliament for the purposes of the service.

(b) such monies or assets as may accrue to or vest in the service in the course of the exercise of its powers or the performance of its functions under this Act or any other written law.

(c) donations, grants, loans or gifts made to the service and approved by the Cabinet Secretary for finance.”

The Board is able to receive different funding to ensure they offer the services to the farmers as I have stated earlier.

Clause 32 empowers the county government to enact county-specific legislation that can set out the criteria for registering extension service providers within the respective county.

Clause 32(b) and (c) states that-

“Each county government may enact county specific legislation setting out-

(b) criteria for the issuance of a license to an applicant within the respective county;

(d) process of determination of an application for registration or issuance of a license”

Extension officers existed before and then they ceased to exist. I am acknowledging that because as I spoke to some of the Members regarding this Bill, they mentioned that they had relatives who used to be extension officers on the ground. For instance, they handled issues to do with livestock and would be a phone call away. Some of the Members have enjoyed the benefits of having extension officers at the *mashinani* level.

They are important because they will help us increase the market share for our products. There is a lot of brokerage in between for most of the commodities we export. Farmers are doing the hard work, sweating and going to all lengths to ensure they have the product from the farm. However, there are no fruits for these farmers. They are demotivated and lack morale. We need to maximize on revenue collection in this country.

When we have qualified, competent and trained experts with technical know how of different agricultural sector; ranging from the agricultural by-products in terms of the food and livestock sector, then we will improve our agriculture sector. This will ensure we improve food security in this country. Also, we will diversify our staple food.

These are difficult economic times. People have talked about unga. This is like the only product we have in our country. In our Kenyan language, we call it *ugali*. It seems like the only product that we can discuss.

Extension officers are able to advise on different staple foods that we can grow in our beautiful country. Crops like cassava and arrow roots are crops that when germinated can be improved to give us different products. We have flour from coconut in the Coast Region. If we invest in this product, we will have different staple food so that we do not rely on one product. It is time we diversified our staple food. Jobs will be created when the Bill passes and the extension officers start their work.

With those few remarks, I beg to Move that the Agricultural and Livestock Extension Service Bill (Senate Bills No. 12 of 2022) be now read a Second time.

I call upon senior Sen. Cherarkey to second.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, proceed.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. I do not know why Sen. Maanzo is doubting my seniority as a ranking Member of this House. He can easily consult senior youth, Sen. (Dr.) Oburu, to confirm.

From the onset, I congratulate Sen. Tabitha Mutinda for this wonderful Bill. She is a member of the Nairobi Delegation. Many people think that somebody from Nairobi would not be interested in agriculture.

I am happy she is the first among the equals. She has led us on the issue of agriculture which largely affect counties like where I come from, in Nandi County.

I would like to commend and congratulate her because she is cutting a niche in the legislative world and parliamentary procedures.

She is a trailblazer in women leadership in the country. I see there are a number of girls in the Public Gallery. She is, therefore, an inspiration to the young students following the proceedings from the Public Gallery.

On the issue of agricultural extension services, when most of us were growing up, we used to see people with motorbikes. I see they have now been given to the chiefs.

Where I come from in Nandi County, we deal with coffee, sugar cane, the dairy sector, tea and maize.

When we were growing up, we used to see people come with white motorbikes. They would look at the cows and our parents would call them to find out when they would come.

This is one of the serious failures of the county governments. We should not be putting a legislation because agriculture is a devolved function. We should have expected the county governments to have done this without legislation. This is how we improve the turnover.

I am happy that in the current administration, the President is keen on food security. Once the extension officers are in place, they will supervise farmers to ensure there is quality in terms of production.

When we talk about technology, this is the food security that we have seen the Government talking about and the issue of subsidized fertilizer.

Mr. Temporary Speaker, Sir, I can confirm to this House and to many of my friends who are asking about the unga and the flour prices, if you give three to four months, we can assure the people who are carrying the *sufuria*'s on their heads that we will need to bring them down and place it on their *jiko*. In the next five to six months, we will be able to produce enough maize and ensure that there is proper unga for each Kenyan. This is because the Government ensured under the Presidency of President William Ruto to reduce the price of the fertilizer from Kshs7,000 to now Kshs2,500.

I am happy the uptake of subsidized fertilizer improved greatly. I know there is a song by Burning Spear that says that we are not stupid. Burning Spears sang, 'Hey! Hey! Hey! We are not stupid'. We will ensure that the things paraphrased in the reggae song by Burning Spear 'Hey! Hey! Hey! We are not stupid' are achieved.

I assure the country that under the leadership of President (Dr.) William Ruto there would be good things. Life will become better in the next few months as the singer Burning Spear in that reggae song said. Therefore, that is what we want to build in terms of food security.

The issue of research and extension services is very critical. I am looking at the possibility of commingling because we have the Kenya Agricultural and Livestock Research Organisation (KARLO), the Kenya Medical Research Institute (KEMRI), Kenya Plant Health Inspectorate Service (KEPHIS), Agricultural Food Authority (AFA). I know Sen. Maanzo had a lot of discussion about AFA in the last session.

Mr. Temporary Speaker, Sir, we need to co-mingle and come together so that we are able to do research and transfer of technology. Where I come from, there is what we call '*Sixchoge*' where you get the best maize and hang it in your store and thereafter plant it.

We want Kenya Seed to give us the best variety. We have to appreciate that climate change is real. The country just moved back from one of the worst droughts that we have ever seen in history. How do we get better seeds and hybrid seeds in terms of maize that can adopt to the changing ravaging effects of climate change when we are planting?

Mr. Temporary Speaker, Sir, we are now planting purple tea including in Bomet where you come from, Kericho, South Rift and also Mount Kenya where they plant tea. Is it the best in the market? Is it of good quality? There are people like Sen. Okiya Omtatah who are planting cotton. We need to get the best seed and this research and technology must be found and facilitated.

Mr. Temporary Speaker, Sir, when I speak about the issue of technology, we have mixed feelings. Under the International Labour Organization Charter (ILO), the issue of tea plucking machines is the issue in the South and North Rift. I know your county has been diversely affected and also in Kericho, we saw a bit of discomfort.

In as much as we welcome the use of technology in agriculture, that should not come to disenfranchise our young people from accessing jobs. I would have expected that we have at least 30 per cent of job opportunities or 30 per cent should go to the machines and 70 per cent go to labour.

When you go to South Rift, Nandi Hills and part of Tinderet where multinational companies are, most of my young and even old people are idle because tea plucking has taken over. In fact, tea-plucking machines are worse because they cut everything including chameleons. The quality of the tea during processing is affected. That is why when some people drink tea, sometimes they end up getting intoxicated unlike when you are plucking tea by hands.

I want to appeal to the Ministry of Agriculture, Livestock, Fisheries and Cooperatives and the Ministry of Labour to relook at the issue of tea plucking machines in our tea estates. In fact, the introduction of tea plucking machines has affected the intermarriages especially where I come from. We used to have people from Vihiga, Kisumu and Busia coming to work in our tea estates. They used to meet with people from Nandi and you can imagine the hybrid of people coming from Vihiga and the people from Nandi which is the best hybrid that we can have as a country.

So, it has a social net effect. Apart from the issue of access to labour as per Article 41 of the Constitution, it also has a net effect in terms of ensuring intermarriages. The issue of tea plucking machines especially in the North and South Rift, Mount Elgon in Bungoma County and part of Bungoma County, must be relooked at as they also have tea.

Mr. Temporary Speaker, Sir, I know the Ministry of Interior National Administration is conducting investigations, which is okay. However, we should not muzzle leaders from speaking about the issue of tea plucking machines.

We need to tell the owners of multinational companies even if they are in London and are powerful, whoever they are, that they cannot muzzle and intimidate leaders from speaking against tea plucking machines taking the jobs of our young people and men.

We shall speak the truth. We want to ask the Ministry of Interior and National Administration - CS (Prof.) Kithure Kindiki is my very good friend and my elder brother, that this is not a security issue. This is a societal matter.

How do you feel when you walk to Chepkunyuk trading centre, Imani trading centre, Nandi Hills Town, Kapchorwa, Tereno, Maraba Trading Centre and you get many young people are idle; people who six months or one year ago used to go and pluck tea and get something?

Many families are breaking down because the women of today, if you do not go with something in the evening, and there is a Kipsigis song that says you must have something to open the door with; I do not want to say it in Kipsigis because the Standing Orders do not allow.

You must at least have what we call '*selele*' or the bag to open the door with. It is also opens the door to the house and other things as the night progresses. The issue of tea plucking machines is also affecting families and it is breaking down the family. It is

affecting the dignity and respect of men. As a man when you no longer provide, there is what we call in our region '*Kiptindinyos*' which will come to our houses.

I am happy that Sen. Maanzo is in the Committee on Agriculture, Livestock and Fisheries. I urge him to kindly react to this issue of tea plucking machines through the Office of the Speaker.

The third and final thing is on the issue of the exchange of technology. I want to agree that let us transfer technology and improve the hybrid. Kenya Seed is one of them. I know Sen. Tabitha Mutinda has mentioned about KEPHIS and AFA.

I am told Kenya Seeds is struggling. They do not have enough budget to do research in terms of not only maize seed, potato seed in Nyandarua and any other form of seed.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Okenyuri, what is your intervention?

Sen. Okenyuri: Mr. Temporary Speaker, Sir, the senior Member of the Senate, Sen. Cherarkey is using terms which are strange to this House. What is '*Kiptindinyos* and *Selele*'? Please, bring that to the attention of Members so that we flow with your seconding of this Bill.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, kindly clarify to the Hon. Senator on the terms that you used.

Sen. Cherarkey: My apologies Mr. Speaker, Sir. I am told in *Kikamba* '*Kitindinyo*' means a different thing. Where I come from and where the Temporary Speaker comes from in the South Rift and North Rift, it means the men who came crawling around your homestead and they found around swamps. I think that is the explanation.

The word '*Selele*' is the bag. I know polythene bags are banned in the country. However, '*selele*' is a polythene bag that you would knock the door with when you want your wife to open the door very quickly, especially where I come from in the South Rift. You just ensure that it touches the door as you knock then you can go in very first.

Thank you, Sen. Okenyuri. I know you also come from the region where they also plant tea in Nyamira and Kisii counties. I know they also have a challenge of tea plucking machines.

The fourth point that I want to make is the issue of the transfer of technology and food nutrition as they are very important. As we make sure food is being processed and given out, it is very important for this food to have nutritional value.

Mr. Temporary Speaker, Sir, as you aware, where I even come from, people are suffering from malnutrition in this country. I do not want to say in this House because somebody can say I am casting aspersions to colleagues. Are you aware that most Kenyans are malnourished?

You will get somebody eating *ugali* and potatoes. That is carbohydrates. Then they may add *sukuma*. We need to diversify what we eat to improve on the nutritional value. The transfer of technology will even improve on hybrids and their nutritional value will go up.

Mr. Temporary Speaker, Sir, I will go to my fifth point. I do not want to go to the issue of the board of directors and the constitution of the board because this is a straightforward matter. I want to quickly go to the last two points on the role of county

governments. I said the last time that there is a conversation that health should be brought back to Nairobi. Counties are letting us down.

I know that the Committee on Agriculture, Livestock and Fisheries knows that the National Agriculture and Rural Inclusive Growth Project (NAGRIP) has become successful in most counties. However, some of the counties took this donor money, decided to buy fingerlings, and took them to a flowing river in some particular county. I do not want to mention the county.

You have seen even governors giving out eggs and chicks to people who do not even have the capacity. There is an environment in which these broiler chicks stay so that they can grow. Therefore, NAGRIP has been abused. I want to challenge the Committee on Agriculture, Livestock and Fisheries to carry out an audit on NAGRIP and conditional grants because agriculture gets a lot of money.

In Nandi, NAGRIP was a facade. I remember there was a project worth billions of shillings for constructing a temporary dam in Kamasai, Kabiyet Ward, Mosop sub county. This money was diverted. The proposal by NAGRIP had intended to ensure that there is water for the people of Kamasai in Kabiyet Ward, Mosop sub county, Nandi County.

They used to donate coffee seedlings under NAGRIP. Then, they go and give a farmer only two or five seedlings of coffee. What will it do?

I do not know whether these miracles happen only in Nandi County or in other counties. My county is unique in doing things in the opposite and wrong direction. I hope that NAGRIP will be audited.

The counties should be proactive. Sen. Tabitha Mutinda has tried to even be prescriptive because counties have failed. They do not have extension officers. I thought extension officers could be used to even collect data. It is easier to collect data through extension officers as opposed to ward administrators. I agree on the aspect of training and ensuring that counties are held accountable.

I want to challenge the people who will engage the Council of Governors (CoG) and the Senate between Friday and Sunday. Please, you must bring the issue of agriculture on the table. It is one of the key devolved functions besides health.

I want to laud the governor of West Pokot County. He had invited me to preside over handing of seeds that were worth over Kshs74 million at Makutano Stadium in West Pokot. He was able to identify families and he gave them seeds and fertilizer to plant. That is the spirit that we want to see in counties. Agriculture works.

The reason why we have a conversation about health being brought back to Nairobi is because it does not work in the villages. There are no drugs and people are dying from normal diseases and ignorance.

For instance, a young man had a *boda boda* accident and was taken to Maraba Sub-County Hospital. They delayed in attending to him and unfortunately, he passed on.

In a facility somewhere in Nandi which I do not want to mention, a young expectant lady went for scanning. The officer in charge told her that she was expecting twins. The young lady prepared for twins. When it came to the time of giving birth, she only gave birth to one child.

It is like a case in Ugandan hospital where they thought that a person had a cockroach but unfortunately, they did not know that the cockroach was in the microscope. Therefore, that is what is happening. I told the lady to demand that the

county gives her the other baby because they had said they were two and she got only one.

In my closing remarks, I think this is the best Bill for those of us who come from agricultural growing areas. We thank Sen. Tabitha Mutinda for this wonderful Bill. We are proud of her.

I know I did not touch on dairy. It is one of the key areas that we need to look at, especially the technology and improvement of the hybrids.

In the words of Burning Spear in his song, *Not Stupid*, things will be better in the fullness of time.

I second the Bill and congratulate the Senator.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Sen. Cherargei, next time, you might need to clarify that from where you come from, we do not use ---

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, I can see my dashboard is full of requests from Members to speak. However, before I do that, I have a Communication to make.

(Interruption of debate on the Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. THOMAS KAVINGONI
SECONDARY SCHOOL, MAKUENI COUNTY

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, in the Public Gallery, we have 145 students accompanied by nine teachers from St. Thomas Kavingoni Secondary School in Makueni County, who are in the Senate on an educational tour.

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

I thank you.

I know this is hon. Sen. Maanzo's County. I will give you one minute to welcome them.

Sen. Maanzo: Mr. Temporary Speaker, Sir, unfortunately, I am told that they are now waiting for me outside. Is the Member for the agriculture team still there?

Well, I take this opportunity to welcome them. I will be meeting them shortly after this so that I can share with them. I believe that they have benefited from the ongoing debate on agricultural extension services.

Mr. Temporary Speaker, Sir, with your kind permission since I am not very far in the dashboard, if it pleases you, then I can make a short contribution on that so that I can leave and join the students.

The Temporary Speaker (Sen. Wakili Sigei): Senator, welcome them and then proceed to contribute to the Bill.

(Resumption of debate on the Bill)

Sen. Maanzo: I thank you, Mr. Temporary Speaker, Sir. I am actually top in the list. I am a Member of the Committee on Agriculture, Livestock and Fisheries.

Recently, in one of the agricultural fairs in Makueni that was dealing with mangoes, Governor Mutula Kilonzo Jr. who was a Senator here said that he was surprised that in the next two years, the remaining extension officers will retire. The county has no extension officer. Agriculture being a devolved function, extension officers are so important.

Recently, we visited Twiga Chemicals. We were asking the manufacturers of these chemicals how the people on the ground know the quantities of what they are going to spray. This ordinarily was a job done by extension officers. They would know because a lot of plants are affected by several things. The extension officers were the ones to guide. A lot of people have been affected by spraying wrong chemicals and getting the produce wrong.

The backbone of the economy of Kenya is agriculture. We miss the guidance of extension officers in planting maize, cotton and beans. The extension officers used to guide us on spacing. When growing mangoes in Makueni today, you have to space them in a certain manner, so that there is maximum production. If you do not guide the farmers, then they will end up doing a lot of work with negative energy.

The whole idea of extension services is very important. It is critical and needs to be acted upon immediately.

I know there is a policy in the country aimed at reducing the number of boreholes.

Sen. Tabitha Mutinda calls it a service like Kenya Prisons Service and the National Police Service. The services should be devolved so that agricultural extension officers can be hired by the counties and the national Government. Depending on the type of crops grown or livestock reared in a particular county, agricultural extension officers should guide and direct farmers on how to best produce.

Therefore, this is an important Bill. I believe it should be concluded as quickly as possible and become law, so that extension officers are all over the country. I believe the overall agricultural value chain addition will become much better. Therefore, we will produce more, have food security and export.

At the same time, the country is considering doing irrigation. We need extension officers who will help the country to deal with drip irrigation. That is sort of modern farming which is non-rain-fed agriculture. That is why we are doing the Thwake Dam in Makueni to enable us have water in Kitui, Makueni, Kajiado and Machakos counties, so that farmers can use it for irrigation as well as construction of Konza Technopolis.

The project is important. It had stalled but I am sure there are top gear activities going on by the National Treasury and the Ministry of Water, Sanitation and Irrigation to make sure that construction of Thwake Dam continues. We look forward to having extension officers so that when we begin irrigation in the country---

Many parts of Kenya are Arid and Semi-Arid Lands (ASALs). For us to do irrigation, we need to train officers who can direct Kenyans in all areas, including animal husbandry as it used to be. We are looking forward to enactment of this law.

I thank you and support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Okenyuri, proceed.

Sen. Okenyuri: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to contribute.

First, I would like to commend Sen. Tabitha Mutinda for coming up with this Bill. It is important especially for us in the Kenya Kwanza Government whose priority is to support agriculture. That is what we campaigned for. So, it is a timely Bill.

I know the Ministry of Agriculture and Livestock Development has had several policies on agricultural extension services such as veterinary that concerns livestock. I hope we are going to live to the provisions of this Bill, so that we do not have it as paperwork.

Growing up as a young girl, I used to see my grandmother make calls to a livestock specialist who would come and check the cows and goats. Today, I no longer see that happening, but it used to happen a lot. Every other person in the village would know that we have an agricultural extension officer or a livestock specialist.

This is critical not only for the counties but also for institutions. Generally, as a country, we need to incorporate the culture of embracing agriculture starting at the school level, counties and in this House.

Mr. Temporary Speaker, Sir, this is a critical issue, but you can see we are only a few of us in this House deliberating on this matter. Agriculture is not just about the rural population where majority of us come from; it is equally urban. Sen. Tabitha Mutinda, who is the Sponsor of this Bill, is from an urban area.

As we progress, agriculture is also going to be embraced through technological methods that we are adopting as a country in the urban areas, where you do not have to cultivate on a piece of land because you can modify other areas and practice agriculture.

Secondly, having these services will go a long way in addressing county specific issues. Not all counties engage in one agricultural activity. Like Sen. Cherarkey said, in areas like Kisii, we engage in tea, coffee, tomato and pyrethrum farming in some areas. When you compare with our colleagues in the former Central Province who plant potatoes---

I am looking forward to this being implemented and tailored to suit different counties needs so that at that lower level, we might end up boosting productivity in agriculture, which is also going to improve the living standards of people in those areas.

Mr. Temporary Speaker, Sir, if this was working, we would not have young people solely doing all their work on *Tik Tok* and other social media platforms. We would also have young people showcasing that they have embraced agriculture, whether traditional or modern ways. They would showcase that on social media platforms other than the content we are consuming. If that does not worry any right-minded thinking Kenyan, then we are heading the right direction.

This Bill is coming at an opportune time. We are encouraging, especially young people and women because they are the ones who interact with most of these activities at the grassroots level. It is women who collect firewood. For them to get firewood, they must cut down trees.

When they cut down trees, they contribute to the effects of climate change that we are seeing. If we had agricultural extension officers, they would advise women by asking them to plant more trees if they cut down trees for firewood or what works better in certain soils.

I also want to commend my county of origin. I saw them conducting soil tests so that they support farmers in whatever plants they want to till this season. I am looking forward to other counties doing the same even before this becomes law.

We have had many policies. We do not have to wait for this Bill to become law for county governments to actualize some of the proposals. To be specific, this framework that Sen. Tabitha Mutinda is proposing.

Mr. Temporary Speaker, Sir, I would like to wind up by saying that Sen. Tabitha Mutinda is doing a good job. She is among the first-time legislators who have made remarkable appearance in this House. I know she has a bright future because she walks the talk.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Okenyuri, you did not confirm the name of your county of origin when you were appreciating them for what they are doing in terms of soil testing.

(Sen. Okenyuri spoke off record)

I did not give you the Floor. Proceed, Sen. (Dr.) Oburu.

Sen. (Dr.) Oburu: Thank you, Mr. Temporary Speaker, Sir, for the opportunity.

I would like to start by thanking Sen. Tabitha Mutinda for bringing this important Bill. It is always said that agriculture is the backbone of the economy of our country. However, when it comes to allocation of resources, agriculture is ignored.

In the Malabo Declaration that Kenya ratified, it was agreed that African countries should allocate at least 10 per cent of their budgets to agriculture. However, in our country, agriculture gets about 4 or 5 per cent.

We have not moved closer to the 10 per cent Malabo Declaration and yet we keep on saying that agriculture is the backbone of our economy. How can it be the backbone of our economy when we do not allocate resources to it? You have to act and the action should support what you say.

Mr. Temporary Speaker, Sir, this sector of agriculture feeds our country. Without being self-sufficient in food production, you cannot be independent because hungry people can never even respect democracy. Democracy cannot be natured in our country properly if we do not strategise to feed our people with the basic thing which is food.

Agriculture used to be taken seriously by the colonial authorities. We used to have agricultural extension officers coming into the villages with uniforms and green belts written AD, (Agricultural Department). These agricultural extension officers used to tell people exactly the type of seeds to plant, when to prepare the soil, when to expect the rains because they were connecting with the weather men and exactly the dates you should plant.

These officers continued up to sometimes during independence. However, there is a time when the policy of the Government changed and it left agricultural extension to the private sector. As it now stands, if you want a veterinary doctor to come and vaccinate your animal, give medicine or offer service, you have to pay for it. We are living in a poverty-stricken country. Our people cannot afford the payment for these extension services.

When an agricultural extension officer goes to a farmer, a farmer is not just doing crops; he is planting maize, beans or cassava, he is also keeping chicken, livestock, rearing bees and all sorts of things. Therefore, if you have a bee extension officer coming tomorrow, the other day a livestock officer coming, next a crops officer for a specific crop is coming and the other day another one is coming for tea or coffee, you confuse this farmer.

You need all round extension officers. One officer who can go and offer all the services necessary for extension. They need to be trained on how to dispense that knowledge to the farmer. One extension officer can be all round and deal with a farmer in all the areas the farmer is involved with.

Mr. Temporary Speaker, Sir, I do not see this Bill addressing the most important thing. The Bill is dealing mainly with the formation of a certain policy board upstairs, somewhere in the national Government.

What is more important as far as I am concerned is, the employment of agricultural extension officers by the county governments. These officers need to be employed by the Government and they need to offer services to the people down there free of charge. This is because our people are poor and cannot afford payment for these services.

Madam, Sen. Tabitha Mutinda, I hope you will take that into consideration. I can see you have emphasised more on the Board but not the role of the counties and yet agriculture is devolved. You have even put the role of the counties last as miscellaneous provision. You have even put it last.

That is where you have said that the counties should be offering licensing. Licensing to people who are going to be charging farmers monies which farmers do not have? I do not think licensing is going to fundamentally resolve the issue of agricultural extension.

Mr. Temporary Speaker, Sir, we need agricultural extension because science is also in agriculture and it is now developing with a lot of research. It is advising on the improvement of seeds and even on the insemination services. Some of them are rotting on the shelves of research institutions because there is no proper agricultural extension to take them down to the farmer who needs them.

We really need agricultural extension and take it seriously. It also must go to the grassroot. We must take it to where it belongs and that is the counties. The counties must employ agricultural extension officers so that they can offer that service to the people.

Take the scientific research on quality, which has made a lot of progress in all these areas. Remove them from the shelves and let them go down to the people. This is so that the people who need them can utilise them to increase productivity and be self-sufficient both in food production and also get excess which they can sell to improve their standards of living.

Mr. Temporary Speaker, Sir, I do not want to say much more than this. Sen. Tabitha Mutinda, I really like you. First, apart from being beautiful, you are also very clever upstairs and I really respect that. Thank you, very much for bringing this Bill and I hope you will take it further.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, very much Sen. (Dr.) Oburu. Sen. Tabitha Mutinda being a very good student, has taken note of the comments that you have made.

Sen. Wafula, you may have the Floor.

Sen. Wafula: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to contribute to this Bill that my good friend Sen. Tabitha Mutinda has brought on the table.

I delve into the challenges that our good friends, the agricultural extension officers are undergoing in Bungoma or in the country at large. You realise that the agricultural extension officers in this republic have very low morale. These people are depressed, they have economic worries and therefore, this reduces on their output.

Mr. Temporary Speaker, Sir, you realise that the Government has over the years reduced its capitation or the share of revenue to the Ministry of Agriculture, Livestock, Fisheries and Cooperatives. This leaves our people who are the human resource in the agricultural sector, not able to do what they ought to do.

There is also a discovery that many of those people; the current ones that who were not recruited properly, have issues with communication skills when at the grassroots level. There are gaps in how to communicate with local people in the best terms possible. This hinders service delivery to the expected people at the grassroots level.

You realise that the terrains and the infrastructure of roads in some areas of the country is wanting. Therefore, if you recruit a depressed, low morale agricultural extension officer, who is not paid, to go to regions that do not have good roads, where we have bandits, these people will not waste their time going such areas.

Where there is no good transport or communication network to deliver messages and information, it affects the communities at that level.

My experience at the grassroots level is, since these people are not well enumerated, they only visit the financially able. These people have a tendency of appreciating them for a job well done. The extension officers will not blink to look at the direction of those who seem not to have money or are equally struggling in life, whether they call or send 'please call me'.

Through this Bill and any other legislation that will come at the county or at the national level, we must ensure that these people are properly enumerated, facilitated in terms of transport, and ensure connectivity through mobile network coverage, so that they do their best. The extension officers, as my senior youth leader has said, must be well-trained in all spheres of agriculture, so that whenever they go out to the field they have the technical know-how, the modern way of farming so that we can move our farming to the next level.

Finally, if they do not have the competencies such as knowledge, skills and attitudes that facilitate the adjudication of what they have been trained on, we end up not delivering according to the expectations. We have farmer training colleges across the country. These institutions are not properly funded by the county or the national Government. They are the institutions that are supposed to train these people at the local level, and carry out extension services and trading platforms for farmers. If we are not going to fund those places where they are going to be trained properly, it is going to have a negative impact on the agricultural sector.

What do people look for when seeking to be recruited as extension officers? We find people who have failed to get opportunities in other fields and are not trained in any

sphere of agriculture being recruited to suit political, clan and regional interests. It must be very clear that extension officers in the line of agriculture must be competent, qualified and able to deliver in that kind of operation.

Mr. Temporary Speaker, I thank you for this opportunity. Sen. Tabitha Mutinda you have been congratulated by my senior youth leader, know that your stakes are high.

Thank you.

Sen. Beth Syengo: Thank you, Mr. Temporary Speaker. I also rise to support this Bill by my young sister, Sen. Tabitha Mutinda.

I would like to echo what many have said that agriculture is the backbone of the economy of this country. It is important that we take agricultural and livestock extension services seriously. Extension services help improve the agricultural productivity through providing farmers with information that helps them optimize their use even with limited resources.

It is important that we reach farmers at the grassroots. Having extension officers is a way of devolving services to reach the farmers who may not travel to look for services further from their villages. Having extension services is like devolving services to the farmers. This will help in variation in management practices and husbandry skills amongst small-scale farmers in Kenya. This is very key.

I congratulate my sister again for this Bill. While growing up, it was a common practice to see extension officers coming to our homes to guide us on the methods of farming to apply. I come from a very dry place and we do not have reliable rainfall. It is therefore important for farmers to be guided on which farming methods to use and how to use the little resources that they have for optimum productivity.

Though I was young, I remember farming systems that were established in 1982. Allow me to mention a few of them. Use of rapid rural appraisal, which was very key, Participatory rural approach (PRA), focal area development approach and the farmers' field schools which were very important. It is only with the use of extension services that these farming systems can be applied and used to ensure there is an impact on the lives of farmers and the productivity of our agricultural produce.

This Bill has come at the right time. I hope it will go through because we are supporting it. Once it becomes law, then we are going to improve our agricultural productivity. I know those in Government will say it is their agenda, but it is the agenda of the entire country that we feed our population. It is the duty of any Government to feed its population.

Mr. Temporary Speaker, the use of agricultural extension services will encourage young minds to embrace farming. The rate of unemployment in the country is very high and we may not be able to get white-collar jobs for every young person growing up. If our people are encouraged to do farming in the right way, they will embrace it, know it is a source of income and take it as a source of employment. When we leave it to the outgoing generation, the old people, and the young people are not involved, we are doing a disservice to our country.

At one point before I joined this House, I was working with a Non-Governmental Organization (NGO) and I partnered with a food and agricultural organisation. There was a program where we were establishing school gardens in primary and secondary schools where we intended to involve the pupils and students in farming so that they can embrace it and not see it as a dirty thing or a job for the uneducated and unlearned. Rather, to see it

as a job or activity that can earn someone a living and get involved in agri-business, therefore living better lives.

It is very important that we all support this Bill although there are areas that I would request my sister to look at and bring amendments. As my colleagues have stated, these agricultural extension officers are not employed. They are only given a retainer and charge farmers a fee when they come around. Due to the poverty index in our country, most of our farmers may not have money to pay them. That is why they cannot consult them. They rely on what they can do because of poverty levels. This makes the officers demoralised and demotivated and that is why they cannot do their work with enthusiasm.

I request my sister to consider an amendment that will encourage county governments to employ extension officers so that they have a source of income. They should be facilitated to travel and criss-cross villages where they are assigned their duties. This will motivate them and make them feel they are doing an important thing, considering agriculture is very key in this country.

With those many remarks, I support the Bill.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Beth Syengo. Sen. Veronica Maina, proceed.

Sen. Veronica Maina: Mr. Temporary Speaker, Sir, thank you for the opportunity to contribute to this important debate on the Bill presented to this House by Sen. Tabitha Mutinda. I congratulate her for taking a step to propose a legislative Bill that will impact on all the 47 counties in our country.

More importantly, 33 per cent of Kenya's GDP is dependent on agriculture. Research has also shown that 40 per cent of the population in Kenya is engaged in some form of agriculture. So, it is the backbone as has been cited by all the Senators who have contributed to this debate.

The future of this nation lies in how best we manage the agriculture sector. If we continue to do things the same way we have been doing, should not expect different results because fundamentally, nothing has changed.

Mr. Temporary Speaker, Sir, in this Bill, I see a reaffirmation and reintroduction of a service that was being offered when a number of us were way younger. Growing up, extension officers would come to our villages in a timely fashion as invited by the farmers. They took an interest in the crops and livestock in those farms and all the activities that were happening. They would even check issues of soil erosion.

The first person I heard talking about soil erosion before we were taught in an agriculture class in primary and later in high school, was the agricultural extension officer. He was explaining to my parents how they needed to take certain measures to prevent soil erosion. In those early days, we learnt that we needed to plant trees to serve as windbreakers. This then prevents movement of the top fertile soil, which yields good crop.

Mr. Temporary Speaker, Sir, the Ministry of Agriculture and Livestock Development should be able to roll out to Kenyans, a service that supports farmers in the rural sector, to make Kenya food sustainable.

Many nations have achieved food security. I have in mind nations such as Israel. Water is very scarce there but the management of that resource and productive agriculture, has helped that nation to attain food security. There is no way we will move

to a developed economy, unless we manage to sort the issues and cover the gaps that are in agriculture.

Looking at Clause 3(b) of the Bill, one of the goals is to promote the generation of high income for farmers and traders through increased production and sourcing of competitive markets. It sounds like a loaded function of this Bill. Talking of sourcing competitive markets for the produce of farmers, it pains my heart to think of the milk I have watched Nyandarua farmers pouring. It is because they were not in a position to add value to their milk and produce cheese or butter. The option is to become the net exporter of milk products to the region and the world.

Mr. Temporary Speaker, Sir, I am looking at how even crops can be tackled under this objective. I propose to the Senator to see how to enrich this Clause to help farmers to have infrastructure that improves market access. If farmers in Kenya had access to markets or were able to store food after harvesting, then we can talk about having enough food reserves to sustain us during the dry season.

I have also noted there are many legislations in this agricultural sector. For instance, the tea sector has a host of legislation. I am looking at the link between this Bill and the other legislations. What I am seeing here is a wide framework that would manage and control the whole agricultural sector and have capacity building for farmers.

I found the Bill only mentioned the mung beans, which is a good thing because we can improve the mung beans. However, I asked myself if there is an amendment to include other species of beans and crops that do not have any legislative framework. This would enrich the Bill and make it better and easier for farmers.

Mr. Temporary Speaker, Sir, I have also looked at the provisions that have been put for the technology part of it. With developed IT and the fibre optic cable having been supplied to our country, we can take advantage and ensure that any upcoming legislation commits the Government at both levels, to supply the use of technology to farmers. With this, farmers will be able to share information amongst themselves.

That brings the issue of whether farmers have smart phones or what kind of a system will be used. Can the digital spaces that are provided in the markets be provided near the farms where farmers can access this information? How best can that information then be harnessed and sent to the rural areas where agriculture happens?

Another thing that would need to be addressed by the Bill is to do with competitive markets. There are brokers who find their way even after all these efforts have been put in place. This legislative framework is coming to support farmers and affirm the capacity building for farmers through extension services. Therefore, how do we tackle the brokers under this legislation? Are there any clauses that look at how a crop moves from the farmer, right up to the market?

Mr. Temporary Speaker, Sir, how do we manage the value chain, such that after all the efforts at the production stage, we will still have those efforts replicated when it comes to competitive markets? We should use all available channels to ensure farmers access markets without any hindrance from the brokers.

This is a very good Bill. If all the proposals that have been given can be taken on board through amendments, then we would have a better scene within the agriculture sector.

I would like to look at Clause 27, which provides for the fund of this service. As I read this Clause, I asked myself whether the fund is administrative, or it goes down to subsidies for farmers.

If you are talking about improving productivity, the fund is silent.

Clause 27(1(a) and (b) states that-

The funds of the service shall consist of-

(a) moneys appropriated by Parliament for the purpose of the service.

(b) Such monies or assets may accrue to or vest in the service in the course of the exercise of its powers or the performance of its functions under this Act.

Is there an objective put down specifically for the support of farmers? I see that is lacking under this Clause.

In our nation, what is not provided for in law is not given. If it is not provided for in this Bill, then it will give gaps that will be questioned. Somebody reading these provisions may as well interpret and say that the fund envisaged under Clause 27 is an administrative fund for the running of the services themselves without having to think of other products.

The Bill would maybe be more enriched. I propose an amendment to enrich it. It should be bold and talk of subsidies, if at all, the intention of improving production tends to be taken into consideration any subsidies that may be needed by farmers.

I am talking about subsidies because I know that in most of developed economies, governments are very careful about how farmers do their crop farming. In fact, they either have insurance that covers crop failure. The government also moves in fast for the big farmers to ensure that any investment done towards farming or agriculture, becomes supported in the event something goes against nature and causes the crop to fail or the produce not to be as anticipated.

I challenge Sen. Tabitha Mutinda to consider the propositions that have been. Also, amend and enrich some of those provisions so that we can be very clear on what the Government is supposed to be doing.

Finally, I want to comment on the licenses. There is a proposal that county governments would deal with licensing. One of the purposes of licensing anywhere in the world and in any Government, is to raise fees and regulate a sector.

Licensing is provided for in this Bill under Clause 26(2)(b).

Sen. (Dr.) Oburu has insinuated to the kind of fees that we are looking at? If we are talking of licenses, it then presupposes that the county government will raise revenue using the licensing fees. Do we need then to introduce a principal that states that the license should be accessible, affordable and should not exceed a certain limit? Farmers we are dealing with are not largescale famers we see in other nations. They are mostly small-scale peasant farmers who are beginning at a low level and farming small pieces of land.

If the Bill is introducing a licensing principal and giving powers to the county governments to license, we may as well amend to provide for the principal under which they shall be done.

Finally, the licenses that are anticipated in this Bill are not clear. What kind of licences are we talking about? Are they in crop management, marketing or production? What is the licensing that the Bill intends to impose? If we are not clear on the licensing

and what needs to be licensed, then we might find a rouge county government coming up with one which states that if you want to grow a certain crop you must be licensed.

Do we want to control the produce, the kind of production or the quality of a certain crop? It is important it specifies the nature of licenses.

I am sure the proposer of this Bill, Sen. Tabitha Mutinda has in mind a certain form of licensing which they are targeting. This is a very good Bill. A good bouncing base where if amendments are introduced based on the discussions that have been done by the Senators in the afternoon, we shall have a much better sector in agriculture and livestock extension services.

I thank you. I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you Senator. Senate Majority Whip, Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I rise to support this proposed Bill.

I want to use my time to convince the Mover of the Bill that it is a good idea, but we can make it better. This Bill must be read with the Constitution of Kenya which has already indicated that the function of agriculture is domiciled in counties. Therefore, Senator, when you propose a Bill with 33 Clauses, and only one Clause 26 speaks to counties, it means this Bill will once again give the national Government and opportunity to frustrate devolution.

[The Temporary Speaker (Sen. Wakili Sigei) left the Chair]

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

I request the Member, while working with the Committee on Justice and Legal Affairs Committee (JLAC), to consider naming this Bill, the County Agricultural and Livestock Extension Services Bill.

(Applause)

That being the case, I want to convince most politely the Mover of the Bill, that in Clause 8 where you are giving the functions of the board, any mention of the word, national, Cabinet Secretary and Principal Secretary should immediately be substituted in this Bill with the word 'County Executive Committee Member (CECM)' to replace the Cabinet Secretary; Chief Officer who is the equivalent of the Principal Secretary at the county.

In this Bill, the Mover is trying to give qualifications, to two people. The first is the Chief Executive Officer (CEO). It is all very well when you ask us to ensure the CEO, should be holder of a degree from a university recognized in Kenya.

However, at this time and age, we should be stating which degree. If you open the CEO position, you will find a lawyer assuming the position on the board. The CEO should be someone with relevant information and preferably a holder of Bachelor of Science degree in Veterinary Medicine or Agriculture. It should be somebody who is conversant in this field.

Madam Temporary Speaker, they are asking whether as a Member of that board, you should hold a degree. This proposal will invite people from Nairobi to go to Trans

Nzoia County and be in charge of functions which they least understand. Farmers are not necessarily people with higher education like Sen. Crystal Asige, Sen. Mumma and Sen. Wambua. We should ease it down and put the requirement of at least a diploma, so that we can attract the people who live in the rural areas to sit on these boards.

The board created in the Bill is supposed to be domiciled in Nairobi. Why would a board presiding over matters affecting countryside be in Nairobi? Let me give the Mover of the Bill our experience as the people from the sugar sector. The Kenya Sugar Board which was disbanded, was domiciled in Kabete, Nairobi. The management had no idea what our farmers were going through.

We were in the process of ensuring that the board ends up in the sugar cane belt. For purposes of this Bill, we should not have a national board, but 47 boards that are in every headquarters of the county government. The Governor should make the appointments being made by the Cabinet Secretary.

I wanted to make my contribution pointed and short. In conclusion, I would like to make a rider. In the spirit of the Constitution, there is a county administrator, subcounty administrator, a ward administrator and a village administrator. Governors have complied and employed people who have become a militia. All those people are doing administrative services. If you go to a village and you are sitting in a funeral, they introduce the Assistant Chief and the Ward Administrator who say the same things.

We should align this Bill, so that the roles are domiciled in the village, ward, sub county and county administrators. The money and resources wasted on creating a militia to salute the governor – these days they are in uniform – can be used on the same people. Only that they will be purposely recruited to perform this important function of extension services.

I am a farmer and I know there is money in farming. I hardly spend five days without seeing my dairy cows. If somebody who has got little time like me, is wasting his time to go look at his animals because he is trying to be a good example of the Ikolomani dairy farmers cooperative society. I am leading them by example. If there was an extension officer doing the civic education that I am doing by setting an example, then I would do more useful work in Nairobi. If need be, I would employ people on my dairy farm to be doing that away from myself.

Since we are not orientating our children well, they think that farming is for people who are in retirement, those who are about to retire or for the older generation. I can bet my last dollar in this House.

Hon. Senators: Shilling!

Sen. (Dr.) Khalwale: Oh! Shilling. I was speaking the white man's language. I can bet my last shilling that my younger sister Sen. Mumma's five children have never thought about farming. Sen. Mungatana is even worse. They have never thought about fishing or hunting crocodiles. I see my children – and I have quite a number of them – hovering in cities doing funny jobs. None of them has tried to understand what causes the farmer to go home not less than five days in a week.

We must change this mindset because children are visiting us in this House and reading more about legislation. Let them find that the laws we pass in this House have made farming attractive even to the so called tech-savvy youth, the ones on the cutting edge of technology.

With those remarks, I appeal to the President of Kenya from the Floor of this House--- I hope he is listening. Mr. President, one of the reasons why subsidized fertilizer had challenges is because we were using members of the provincial administration to distribute. If the Government had this structure as proposed in this Bill, where we have extension officers. The extension officer will ensure that there is enough fertilizer to reach maize farmers, dairy farmers or whoever needs it.

My apologies to the Mover of the Bill. I have made many proposals. If they make sense, let her think about them.

Thank you, Madam Temporary Speaker, I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. (Dr.) Khalwale.

I call upon Sen. Wambua to contribute.

Sen. Wambua: Thank you, Madam Temporary Speaker. I stand to support the Bill. I have few remarks to make. First, I congratulate the Mover and the proposer of the Bill for thinking about the important role played by the Mover.

(Sen. Tabitha Mutinda consulted the Temporary Speaker)

I would appreciate if the Senator of Kitui County could be heard in silence. There is a lot of activity around the Speaker.

The Temporary Speaker (Sen. Veronica Maina): Sen. Wambua, you know that is the sponsor of the Bill. She could be telling me something serious about it.

Sen. Wambua: Madam Temporary Speaker, I thought she would benefit from my contribution. Perhaps it is not needed.

(Laughter)

The Temporary Speaker (Sen. Veronica Maina): Sen. Tabitha Mutinda, concentrate.

(Sen. Tabitha Mutinda resumed her seat)

Sen. Wambua: Madam Temporary Speaker, there is a reason why the drafters of our Constitution in the Fourth Schedule listed agriculture in Part Two as the first devolved function for county governments. The reason is because of what I have heard a few of my colleagues make reference to – that we are attempting to move to industrialization. However, before we get there, Kenya is an agricultural country and we must accrue maximum benefit from it.

Since farming take place in all the 47 counties, the drafters of the Constitution wanted a situation where our country would move away from making reference to a ‘food basket’ to making reference to ‘food baskets’. We produce different varieties of food from different corners of the country and then equip the 47 county governments properly to produce enough for themselves and surplus to sell to other regions.

Whereas I appreciate the decision and move by Sen. Tabitha Mutinda to create the board, my only fear is that board may serve to speak against the spirit of decentralizing agriculture because that board is too Nairobi-centric, if I can put it that way.

Those of us who were born many years before Sen. Tabitha Mutinda was born, we remember something that the former President Moi called the District Focus for Rural Development (DFRD) in 1983. This was a policy shift where he decided that we could not be sitting in Nairobi to make decisions about villages that we did not understand. So, let us go back to the villages and make decisions from there.

Around that time, there was an explosion in the recruitment of extension service providers. That is the time that the board of DT and Yamaha motorbikes were moving around extension service providers to educate farmers on farming and all that.

Sen. Tabitha Mutinda, the promoter of the Bill and the Committee to which the Bill will be assigned, I implore you to rethink about the board and ask yourselves whether you do not want to transfer those functions to county headquarters.

Clause 26 of the Bill is the only clause that speaks to devolution. Again, I am reminded that there was a Cabinet Secretary who is now a sitting governor when things became a little bit hot, she requested for light duties. You have assigned very light duties to counties. Just the implementation of policies crafted and passed by the board at the centre. Why do you not think, together with the Committee, about assigning real responsibilities to county governments to recruit and assign extension officers?

I heard Madam Temporary Speaker make a contribution and I agree with her totally. When we talk about licensing and issuance of permits for agricultural extension service providers, what exactly are we talking about? Are we looking at the private sector doing this service?

My understanding was we were going to put an obligation on county governments to recruit officers to provide services to the farmers. If then we are talking about issuing of permits and licenses, then it means that we are encouraging the private sector players to come in and they have to be paid by farmers who may not be able to afford the services of those extension service providers.

Madam Temporary Speaker, on the issue of Part II of the Bill, when you were making your contribution, I almost rose on a point of order to invoke Standing Order No.99 on anticipation of debate. Since I did not know where you are coming from. However, I looked and realized there was a lot of reference to Mung Beans Bill. I do not know whether this is an anomaly of the promoter of the Bill or it is because of the officers that helped her to draft this Bill.

Madam Temporary Speaker, in serious jurisdictions I would be headed to court to sue for plagiarism because the contents of Part II of this Bill are lifted from a Bill that I sponsored, the Mung Beans Bill, which is coming up for Second Reading next week. The Sponsor of this Bill and the secretariat will have to completely rework Part II. What we are debating now belongs to another Bill. Somebody has lifted it from another Bill and inserted it here.

Sen. (Dr.) Khalwale: Point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): We have a point of order from Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I rise under Standing Order No.105. The issue raised by the Senator for Kitui is very serious. If it is true, then who stands accused of plagiarism? Is it Sen. Wambua or Sen. Tabitha Mutinda? Sen. Tabitha Mutinda's Bill is ahead of his. Therefore, if there is anybody who will be accused of

plagiarizing the Bill, it will be Sen. Wambua because his Bill come after Sen. Tabitha Mutinda's Bill.

Madam Temporary Speaker that is not the point I am trying to make. What I am trying to say is that before our Bills go for publishing, there is a legal framework in this Parliament that ensures the issues that the Senator is speaking to do not take place. The Speaker might have to make a substantive ruling on this because we do not want to look like we are just lazy people who steal other people's brainchild and that kind of stuff.

Sen. Mumma: Point of information, Madam Temporary Speaker.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, Sen. Mumma wants to inform me. I beg that you allow her to inform me.

The Temporary Speaker (Sen. Veronica Maina): Sen. Mumma, do you want to inform Sen. (Dr.) Khalwale on any issue?

Sen. Mumma: Madam Temporary Speaker, I wish to inform my big brother, Sen. (Dr.) Khalwale, that this matter calls for investigation. I do not think anybody can tell who has plagiarized unless the Speaker rules that we investigate. In this case, we may have to set up some select or *ad hoc* committee to investigate. I suggest that we discuss it first. I think some of us will contribute to the issues as well and then we move on.

Sen. (Dr.) Khalwale: Most obliged.

The Temporary Speaker (Sen. Veronica Maina): Sen. (Dr.) Khalwale, I will pend the finding of the Speaker on that issue. Let us continue with the debate then I will give directions before the debate on the Bill is concluded.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, that is why I said it is such a serious matter that requires a substantive ruling from the Chair.

I have suffered from plagiarism before where my Bill was taken over by the National Assembly and it became theirs. I did not know that it can also happen within the House. If it is happening within the House, either somebody owes the two Senators an apology or is it because they come from the community of *kamuti*? I have no idea.

The Temporary Speaker (Sen. Veronica Maina): Sen. (Dr.) Khalwale, I want to direct that we refrain from making conclusion that it is plagiarism because that is a serious offence.

We will pend it until we have a proper understanding of what happened. It is difficult for me to make any determination without having the other Bill here and this one there. It requires a little bit of work. Therefore, we will pend it and continue with the debate.

Please continue.

Sen. Wambua: Madam Temporary Speaker, I will continue as directed.

Indeed, this is a wonderful piece of legislation. That I must admit. Sen. Tabitha Mutinda should not worry about that matter because I strongly believe it is a technical issue that they can deal with. As to who has done what, I mean, it is okay. However, I can tell you for free that I had actually moved my Bill during the last Session. Somebody can look at it, but it is what it is.

Madam Temporary Speaker, in conclusion, I would encourage the Committee and the promoter of the Bill to be guided by the principle of development from within. In which case then, I would also encourage her and the Committee to try and establish a nexus in the Bill between the training of extension officers and their deployment.

I say this because I saw somewhere that money is being given to institutions of higher learning for research and development. The expectation in relation to this Bill is that part of the research is to come up with new and improved varieties and species. For example, varieties of *ndengu* which we will be moving later, of beans, maize, new species of zebu cows and all manner of animals.

However, the disconnect is that whereas money is being pumped at the level of training, there is very little being done at the level of absorption of the breeds and varieties. If you come up with a new variety of beans, it is the duty of agricultural extension officers to go and break it down for the farmer – “this new variety is called ‘X’, ‘Y’ and ‘Z.’ The spacing and timing for planting is this.”

If we come up with new varieties, but we have no strategy for training and absorption of extension officers to help our farmers implement the planting of those varieties and the rearing of those species, our farmers will say, ‘a bean is a bean, so I just plant it the way I have always planted it’. The results would just be the same - failure.

In this Bill, find a way of creating that nexus between the funding for research and development and the absorption of extension officers at the grassroots level where they interact directly with farmers.

Madam Temporary Speaker, with those many remarks, I applaud “my sister”, Sen. Tabitha Mutinda. Sen. (Dr.) Khalwale should know this so that he may engage with me differently from today. Sen. Tabitha Mutinda comes from my home. So, Kitui County is blessed to have three Senators. We have Sen. Tabitha Mutinda, Sen. Beth Syengo and the Head of the Delegation, yours truly.

(Laughter)

The Temporary Speaker (Sen. Veronica Maina): Sen. Mungatana, please proceed.

Sen. Mungatana, MGH: Madam Temporary Speaker, I have truly enjoyed the intellectual engagement in this Bill and the very quality submissions that have been made by fellow Senators. I join in many of the very thoughtful words. I congratulate Sen. Tabitha Mutinda for the work that she has put in this Bill.

Madam Temporary Speaker, I want her to take cue from some of us who have been here. We have moved Bills before in the lower House and even here and we have been subjected to a lot of corrections. We have learnt. I encourage her to really take note of what our Members are saying. In fact, your Bill might be totally---

The Temporary Speaker (Sen. Veronica Maina): Sorry to interrupt you Sen. Mungatana, MGH. Sen. Tabitha Mutinda, it is good you pay very keen attention to the remarks being made by Sen. Mungatana MGH.

Sen. Mungatana, MGH: Thank you, Madam Temporary Speaker. Your Bill might be mutilated totally, but the product that will come after all these amendments and all these beautiful ideas that are coming in, will make it better. Take it in good spirit.

When I read the title of this Bill, I was excited because I thought now we are going to deal with the problem. This is because the problem is that we do not have agricultural extension officers. So, what is our response? Our solution is a legislative proposal that will have those agricultural extension officers in place, so that we solve the problem that we are dealing with.

Madam Temporary Speaker, when I read this Bill, I was disappointed because it has created the normal board. One of the Speakers here said a very important thing that it is really bordering on unconstitutionality. This is because the Bill is talking about a national Board, a Cabinet Secretary, a Permanent Secretary and so on. It is not answering the question that there are no agricultural extension officers. We need those extension officers on the ground. The legislative proposal is not answering that question.

I am asking my pleasant colleague to rework this whole thing. We cannot have an extension services legislation and agriculture in general is devolved under the Constitution that we have. The entire Bill is discussing how to engage a Chief Executive Officer (CEO), the qualifications of a board member and whatnot, while the real issue is not being discussed. It needs to be totally reworked starting with the title. I really support what Sen. (Dr.) Khalwale has said, we should rename it as the county, start with the word "county" and then go on with all those words that you have used.

Madam Temporary Speaker, last week, I was at home and I was engaging the youth in a village called Golbanti. These are youths who had asked me to support their sporting activities. When I engaged them, I asked them, apart from sports; football and volleyball in Golbanti village, what are you doing to sustain yourselves? They told me one of the things there were doing was rearing chicken. However, the project had failed because all the chicken they reared that whole year died. I asked them whether they had any veterinary knowledge on this. They said that they just did what their parents did there. They have sort of despaired because their project had collapsed.

I asked myself if this Bill was in operation, and agricultural extension officers were there, they would have reached down to the village to tell them that chicken need some medication at some season in the year and they also need special care. They would have told them that there is a type of chicken that will make it in this part of the world and there is this type of chicken that will not. That this type of chicken is good for meat while this type of chicken is good for eggs. Those people are not there on the ground to advise our farmers. You have to hire a veterinary officer to tell you that.

When it comes to actual agriculture, the kind of crops that we should be planting in Tana River County vary because the soils near the river are different from the soils in the interior. These people are not there to advise farmers.

Madam Temporary Speaker, I agree with colleagues who say that using this Bill, the Senate should consider creating a structure where extension services are made compulsory at the grassroots level. Let this Bill say, for example, that it will be incumbent and, in fact, compulsory in every budget of every year, for the governors to provide a budget line for hiring of extension services whether on contract or short term. Every ward in this country should have at least one extension officer to deal with agricultural and livestock issues.

Extension education is a very important part of education. There is a history behind extension education. John Stewart was a mathematician who was very well educated. At some point, he was elected as a Member of Parliament (MP). He is considered the father of extension education. What did he do? He saw that there was a disconnect between the amount of knowledge that he had and the uptake in the rural community. He started championing in Cambridge University that knowledge should be taken to the people down there. That was the beginning of extension education.

Let us understand that even Cambridge University started extension education in 1872. Extension education comes from the Latin word *ex* which means out. Many of you by this time know what *ex* means. Many have suffered the pain of what *ex* means.

(Laughter)

I do not need to define *ex* because everyone knows what it is. The Latin word *tensio* means stretch. The idea for John Stewart, the father of extension education, was to take education and stretch it to the communities that do not have it, so that they can get the advantage of it.

Madam Temporary Speaker, we need these people to come to our villages and extend this education. They will advise us on the breed of sheep that is correct one and the one that does not do well in an area. They will also advise us on when our animals need to be vaccinated. They will advise us to stop doing what our parents used to do because there is new technology and artificial intelligence even in animal breeding.

Madam Temporary Speaker, somebody has talked about marketing using the internet. These officers should come down there with their computers and Apps and tell us how to connect to new markets. They should tell us the things that will make agriculture and livestock keeping profitable. This Bill has the opportunity to do just that. They should make clear the kind of qualification extension officers should have at the ward level. They should make it clear that the governors are the ones to employ them. We need less administrative officers and clerks. We need extension officers who will be talking to our farmers; bee and cattle keepers.

It is so difficult nowadays to get this knowledge down there such that we have to depend on NGOs. As a Senator, I have to hire people who have that knowledge to come and train people in order to enable them to make more money from their agriculture. It should not be that way. We have the opportunity to take that extension education. I emphasize that the Senator should answer the question of where the extension officers are.

Sen. Tabitha Mutinda can do that by creating compulsory jobs at the ward level for all these extension officers so that they can meet our people there. If Sen. Tabitha Mutinda will listen to us and do this, she will be remembered for a long time. There are many things that she will do in this Senate and even in the National Assembly. Many or all of them will be forgotten, but this law, if passed, will have an impact on the lives of the people. That will make her go to the annals of history.

Madam Temporary Speaker, Sen. (Dr.) Khalwale will remember when we were passing the Public Officers Vetting Act. At the time, we were passing that law, the President had been given the mandate to appoint anyone to be anything. Brothers, sisters or business associates. However, we said that we must vet all State officers. This meant even ambassadors, the Auditor-General and the Cabinet Secretaries. Many people who are friends of the President would not want to go through that process. Therefore, it opened up the door for competent people like the Cabinet Secretary, Hon. Miano, who was here in the morning. She was answering questions and knew what she was saying until everyone here in the House was saying that we got the right person for the job.

This is because of a process that we created. That law was passed by yours truly, Sen. Danson Buya Mungatana.

(Applause)

While we were there, many things were forgotten about Sen. Mungatana, but that law still remains there.

This is an important law because it is talking to the grassroots. It could be that law that would make Sen. Tabitha Mutinda say when she retires many years later from this House and politics, that while she was in the Senate, she created the extension officer who inseminates her cows and that she did something for this country and the nation.

Forget about boards and CEOs. Answer the question, in this Bill, of where are the extension officers? She should rework, mutilate it and listen to what these Senators are saying. We shall support her to the end.

I thank you, Madam Temporary Speaker.

(Applause)

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Mungatana. We will now have Sen. Osotsi.

Sen Osotsi: Thank you, Madam Temporary Speaker for this opportunity. I do not know why my big brother is smiling, but maybe it is because of the way you have pronounced my name.

First of all, I start by commending my good friend, Sen. Tabitha Mutinda for this good idea of coming up with a Bill to manage agriculture extension services in our counties. I appreciate that. This is a serious issue. The Senate needs to address it, so that we enhance food productivity and security, not just in our counties, but also nationally.

Madam Temporary Speaker, agriculture extension service is very key. If we want to achieve food security in this country, the starting point would be to invest heavily in agricultural extension services. It will not only address the issue of food security, but it will also help in dealing with rural poverty.

A few years back when we were young children, there was a lot of food in our villages. If you were not eating *mahindi*, there were potatoes and beans. The food was a lot.

However, in our villages presently, people are going for days without food just because our agricultural sector has failed. Investing in agricultural extension services will help in enhancing not just food security, but also agricultural productivity. It has been noted that agricultural extension services is one of the six barriers of agriculture productivity apart from lack agricultural research and development, issues of land and population pressures, issues of soil fertility. It is very important.

We are not doing very well in Kenya on matters food security. Although every successful government is talking about tackling the issues of food security, we are still lagging behind. I was reading the Global Hunger Index report, which places Kenya as number 94 out of 122 countries that were ranked. That does not place this country well in the global map. Something has to be done.

I am happy my sister has come up with this thought. I agree with the distinguished Senators who have spoken before me, particularly Sen. Mungatana, MGH and Sen. (Dr.) Khalwale for advising the Mover of the Bill to take time and re-look at the Bill and possibly seek advice on how to enhance it. I agree that there are quite a number

of provisions in this Bill, which we have to panel beat in order for it to become a law in this country.

I have read it and I concur that it offends the Constitution. Agriculture is a devolved function. The Senate should not appear to be passing legislation, which goes against the spirit of the Constitution and devolution. Our role as the Senate is to protect devolution under Article 96. When I joined the Senate from the National Assembly I thought I would play a very big role in ensuring that the functions, which are devolved, are fully devolved; one of them being agriculture.

If you look at the national spending, over 80 per cent of the budget on agriculture is spent at the national level. Less than 20 per cent of the national budget is spent in the counties, same to health. The question we should ask ourselves as the Senate is what we are doing about it. Something needs to be done about this. I hope we shall do something in our lifetime as the Senate and ensure that the services, which should be devolved, are devolved.

We have people who are fighting devolution and do not want agriculture to be devolved. Donor monies are coming into the sector at the national level and are being misappropriated. Even in this House, we have raised issues to do with conditional grants given to the agriculture sector in our counties, which are being mismanaged. In my own county, we have this conditional fund called National Agricultural and Rural Inclusive Project (NARIGP), which has been mismanaged.

The money is being controlled from the national Government, the Ministry of Agriculture, Livestock, Fisheries and Cooperatives and is misappropriated in the villages. Nothing is being done about it.

No one has been arrested. This money should be taken to the county government directly, so that we are able to control it as a Senate. Some of these decisions to not fully devolve agriculture and health functions are largely corruption-driven.

Looking at the Bill, there are a significant number of typos. What Sen. Wambua was referring to, if you look at Part II of the Bill, Section 4(ii) on the National Extension Service Policy and what the Cabinet Secretary will do; it is reference to the Mung Bean industry. It has made references in almost four areas on the Mung Bean Bill. Several places in this Bill they are referring to the agricultural policy, sometimes the livestock policy. It should be agriculture and livestock policy.

There is a little bit of work to be done in this Bill to remove the typos. This brings me to the point of quality assurance in this Senate. I am the chairperson of the Committee on County Public Investments and Special Funds (CPISF). I do not want to impute improper motives on the Committee on Agriculture, Livestock and Fisheries. However, I have gone through their report. However, they are silent on typos that have been raised in this Bill.

If you look at the report done by the Committee - I said I am not imputing improper motives - but this is an issue we have to address as Senate so that what comes to the Floor must be a document that has gone through quality checks and can be used by the Senate to make decisions.

I have looked at their recommendations and there are no amendments that have been proposed. On public participation, which is key, only two organisations responded; the Ministry of Agriculture and Livestock Development and Kenya Plant Health Inspectorate Service (KEPHIS). What happened to the Council of Governors (CoG) and

other organisations of interest in this? That raises concerns about how we do public participation.

As a Committee, they should have gone ahead and even directly invited the targeted stakeholders to give their input. Maybe we would be talking of a quality report that will inform some of the things we are discussing. Why would this Bill reach this level without the input of the CoG? Why would it reach this level without the input of farmers' associations and other critical organisations? This is not just to the Committee, but also to our secretariat, why would this Bill be published with errors and content from another Bill?

Madam Temporary Speaker, even as you give direction on the issue of plagiarism, I would also like you to give direction on issues of quality.

Sen. Olekina: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Olekina?

Sen. Olekina: Madam Temporary Speaker, I have listened very keenly to my colleague. I know that he had put a disclaimer to say that he does not intend to impute improper motives on the Committee, neither does he wish to impute improper motives on the secretariat. However, he has raised serious concerns regarding the Bill. I have seen some, but not to the extent that he is alleging.

Knowing the way we transact business here, they will come here to debate and say that this Bill should be corrected and pass the Second Reading. Unless he brings amendments to correct those errors, this Bill will go through the Third Reading.

He has to be responsible for everything he has said and the facts. If everything he said ends up in that Bill and he is already pointing a finger at the secretariat and it goes to the National Assembly, this House will be made to look like a joke.

Madam Temporary Speaker, I would like to make request, but I do not know whether the Standing Orders provide for this. Either making use of Standing Order No.1, he should substantiate all those issues he has talked about or we put this Bill aside, so that we look into it later. Whatever comes out of this House---

I may have my reservations on the Bill. However, if you paid close attention to the sentiments by the Chairperson of the Committee on PISF, then that Bill will leave a lot to be desired on how we operate business.

The Temporary Speaker (Sen. Veronica Maina): Sen. Olekina, your point is heard, but unfortunately or fortunately, that issue had been addressed. In fact, ideally, if Senators were a little active, they would have raised an issue, but they did not.

Maybe I will have to repeat the direction I gave earlier. There was an objection raised. We had a debate on the Floor of this House and there is a pending ruling on that issue. However, we allowed the debate to continue because some material was not in the House, where part of this Bill was apparently, or allegedly lifted from another Bill. To verify that, we need the material which is not on this Table.

I pended the ruling because I do not see us finishing the debate. With that information, I will allow Sen. Osotsi to proceed.

Sen. Osotsi: Madam Temporary Speaker, I would like to inform my Minority Whip who came in late that the matter had also been raised by Sen. Wambua. I also want to refer him to the Bill itself.

Let me just read you one of the strange contents of the Bill. Clause 4(2) states that there will be need for an effective management and implementation structure at the national and county levels of government in order to ensure effective development of the mung bean industry. This has nothing to do with agricultural extension services. So, the Chair has ruled.

As I finish, Madam Temporary Speaker, I would like to echo the sentiments by Sen. (Dr.) Khalwale on the qualification of the CEO. It is important for the CEO, not just to have any degree, but a degree in a related field. It should also not just be any experience, but experience in agricultural extension services.

My last comment is on the issue of training. I also expected the Bill to address the issue of training. We have agricultural training centres in our counties. The Bill should make provisions on how those centres should be managed. For instance, in Kakamega, we have institutions like Bukura Agricultural College. In Vihiga, we have Kaimosi Agricultural Training Centre, which unfortunately was taken by Nandi County because our people were not keen when the transfer of services and assets was taking place.

It is called Kaimosi, a name found in Vihiga, but it is in Nandi County. This is because geographically it is located somewhere in Nandi. Before devolution, that college used to be owned by county councils of two districts then; Nandi and Vihiga.

We need to emphasise that each county should have an agricultural training centre where officers or farmers can be trained.

If it is a shared one like the one for Nandi and Vihiga, then we have a framework on how that can be done.

Madam Temporary Speaker, without extending debate, the idea of having a law to regulate extension services is wonderful. However, this Bill must be relooked at extensively through the Committee before it comes back to this House, so that we pass a law that will make this Senate a great House.

Madam Temporary Speaker, with those few remarks, I support with amendments.

The Temporary Speaker (Sen. Veronica Maina): Thank you Sen. Osotsi. We will now have Sen. Munyi Mundigi of Embu County.

Sen. Munyi Mundigi: Bi. Spika wa Muda, kama naibu Mwenyekiti wa Kamati ya Kilimo, Ufugaji na Uvuvi tuko na Mswada wa Sen. Tabitha Mutinda. Mambo ya kilimo nchini Kenya yanafaa kuangaliwa na kuzingatiwa kwa makini sana. Hii ni kwa sababu unapofanya kazi yoyote ni lazima ule na unywe.

Mambo ya kilimo yametajwa hata katika Bibilia. Naunga mkono Serikali iwe ikiwapa wakulima mbolea kwa bei ya chini. Tunajua wakulima wengi hawana pesa ya kununua mbegu. Kwa hivyo, wawe wakipewa mbegu hizo. Serikali ya Kitaifa inafaa isaidiane na serikali za kaunti. Watu lazima walime katika kaunti zote 47. Kwa hivyo, ni vizuri Serikali za kaunti kushauriana na Serikali ya Kitaifa.

Inafaa waalimu wa kufunza watu mambo ya kilimo wawe wanafunzwa vizuri kutoka mashinai, wadi hadi kaunti. Ikiendelea hivyo, Serikali itapata faida kubwa sana. Wakati wa kuvuna, Serikali inafaa itafute soko nchini Kenya ama nchi za ng'ambo.

Serikali inafaa ihakikishe kwamba mbegu zisiwe ni zile ambazo zinakaa miezi mingi kabla hazijakua. Tunataka wakulima wapate faida ya mazao yao.

Nakumbuka zamani tulikuwa tunazuiea mmomonyoko wa udongo. Wakati ule, marehemu Mhe. Mulu Mutisya ndiye alikuwa mwenyekiti wa tume ya kushughulikia za

kuzuiea mmomonyoko wa udogo nchini. Kwa hivyo, tukiwa wadogo, tulikuwa tunaona watu wakija na kupewa chakula ili waweze kuchimba mitaro.

Serikali inafaa iangazie mambo ya maji ya visima na mabwawa ya kulima katika kaunti zetu ili tuweze kupata chakula katika kila kona.

Ikiwa hata mtu hafanyi kazi, atakuwa anapata faida. Vijana wetu wamekosa kazi siku hizi. Hata hivyo, kila mmoja hata kama amepata shahada ya aina gani, wamekubali kufanya kazi.

Serikali inafaa ipatie kaunti pesa nyingi ili ziweze kuajiri walimu wa kilimo wengi ili tuweze kuwa na kilimo bora hapa nchini.

Asante, Bi. Spika wa Muda. Naunga mkono.

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow Thursday 15th June, 2023, at 2.30 p.m.

The Senate rose at 6.30 p.m.