

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 29<sup>th</sup> July, 2021

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

*[The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]*

### COMMUNICATION FROM THE CHAIR

#### THE SEVENTH ANNUAL DEVOLUTION CONFERENCE

**The Deputy Speaker** (Sen. (Prof.) Kamar: Hon. Senators, I have a Communication to make.

As you are aware, the Annual Devolution Conference is one of the pivotal events for the devolution space that enables stakeholders to evaluate the performance of the national and county government institutions on policy, legislation, accountability, good governance and service delivery among others. The Senate continues to be a critical stakeholder in this discourse and its participation in the Conference cannot be gainsaid.

Hon. Senators, the 7<sup>th</sup> Annual Devolution Conference is scheduled to be held from 23<sup>rd</sup> to 26<sup>th</sup> August, 2021 at the Makueni Boys High School in Wote, Makueni County.

The theme of the Conference is Multilevel Governance for Climate Action. The overall objective is to strengthen sub-national governments to act on climate change and develop stronger mitigation capacities. The upcoming conference is particularly unique in that it is the last annual conference. From here on, the Devolution Conference will be held on a bi-annual basis from 2023.

As co-chair of the National Steering Committee, which coordinates the hosting of the event, I appointed Senators to the steering committee to assist in guiding and advising on the participation of the Senate in the Conference. The Committee comprises of Sen. Mutula Kilonzo Jnr., who is also the host Senator; Sen. Moses Kajwang' and Chairperson of the Standing Committee on Devolution and Intergovernmental Relations; Sen. Rose Nyamunga, a Member of the Speaker's Panel and Sen. Victor Prengei.

Activities of the Committee are supported by an organizing Committee comprising of 13 members of staff.

*(Sen. (Dr.) Milgo stood at the bar)*

Sen. (Dr.) Milgo, please take your seat.

*(Sen. (Dr.) Milgo took her seat)*

Hon. Senators, the requisite arrangements to facilitate Senators' participation have been made. In view of the prevailing COVID-19 pandemic, allow me to reassure you that efforts have been made and discussions are also ongoing between the Steering Committee, the Ministry of Health and the national security organs to ensure that all delegates, including local service providers in Makeni, are safeguarded from any possible infection.

In this respect, I will convene a *Kamukunji* on Wednesday, 4<sup>th</sup> August, 2021 for a detailed brief on the Conference, the COVID-19 measures put in place and other logistical arrangements for participation by the Senate.

A number of Senators have been identified to represent the Senate in the Conference programme as either session chairpersons or panelists. Correspondence to this effect has been made in writing. I urge the identified Senators to cooperate with the Steering Committee and to closely work with the Secretariat to ensure the effective participation of the Senate.

In conclusion, I also urge all hon. Senators to save these dates and plan to participate in this important event in our devolution calendar. Senators may give their confirmation by signing a register to be circulated from today until Friday the 6<sup>th</sup> August, 2021.

I thank you.

Let us move on to the next Order.

Hon. Senators, we have one petition report from the Chairperson of the Standing Committee on Tourism, Trade and Industrialization. The Chair is missing, so we will defer it for the moment.

## PETITION

REPORT ON PETITION: LIQUIDATION OF MOI UNIVERSITY  
SAVINGS AND CREDIT SOCIETY (MUSCO)

*(Petition deferred)*

Next Order.

## PAPERS LAID

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the first Paper is by the Chairperson of the Standing Committee on Finance and Budget. We will defer it for the moment.

REPORT ON THE PROMPT PAYMENT BILL  
(SENATE BILLS NO. 16 OF 2021)

*(Laying of the Paper deferred)*

The second report is by the Chairperson of the Standing Committee on Education, Sen. (Dr.) Milgo.

REPORT ON THE KENYAN SIGN LANGUAGE BILL  
(SENATE BILLS NO. 5 OF 2021)

**Sen. (Dr.) Milgo:** Madam Deputy Speaker, I beg to lay the following Paper on the Table of the Senate today, 29<sup>th</sup> July 2021-

Report of the Standing Committee on Education on the Kenyan Sign Language Bill (Senate Bills No. 5 of 2021).

*(Sen. (Dr.) Milgo laid the document on the Table)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): The next two reports are by the Chairperson Standing Committee on Labour and Social Welfare, Sen. Sakaja.

**Sen. Sakaja:** Thank you, Madam Deputy Speaker. I beg to lay the following Papers on the Table of the Senate, today, 29<sup>th</sup> July, 2021-

REPORT ON THE COUNTY HALL OF FAME BILL  
(SENATE BILLS NO. 9 OF 2021)

Report of the Standing Committee on Labour and Social Welfare on the County Hall of Fame Bill. (Senate Bill No. 9 of 2021).

REPORT ON AN ENQUIRY INTO THE DISMISSAL OF WORKERS BY THE  
EWASO NG'IRO NORTH DEVELOPMENT AUTHORITY

Report of the Standing Committee on Labour and Social Welfare on an enquiry concerning a Statement raised by Sen. Dullo on the dismissal of workers by the Ewaso Ng'iro North Development Authority (ENNDA).

Thank you, Madam Deputy Speaker.

*(Sen. Sakaja laid the documents on the Table)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): I see an intervention from Sen. Dullo. I guess it is on the fourth Paper, in which she asked a question.

Hon. Senators, using our Standing Orders, I will not allow more than 20 minutes, so Sen. Dullo, please, be very brief. I have seen two more Members who want to comment on something.

**Sen. Dullo:** Thank you, Madam Deputy Speaker. I rise under Standing Order No.48(4) regarding this report tabled by the Chairperson of the Committee on Labour and Social Welfare. I brought a Statement to this House on 12<sup>th</sup> October, 2020 regarding the dismissal of 56 members of the Ewaso Ng'iro Development Authority (ENDA). I do not want to delve so much into the matter. I would, however, like to say that when we bring Statements to this House, we normally look for a remedy. That is why we bring Statements to the Floor of the House.

Secondly, the matter before the Committee is a heavy one because it concerns members of the public who were dismissed unprocedurally. Some of them were casuals for over 10 years. They were subjected to one year contracts and then they were dismissed on the basis that they were not qualified, but they were all qualified.

I am really happy with the investigation that was carried out by the Committee because I sat in all the proceedings of the Committee. Both ENDA and the Cabinet Secretary (CS) appeared. However, I have a few reservations as far as the recommendations are concerned, because it does not address the real issues why I brought that Statement to the Floor of the House. Most importantly were the people who were laid off by ENDA. Secondly, there was harassment by the Chief Executive Officer (CEO) and the executive.

Madam Deputy Speaker, let me say this. The Committee has commendably observed the employees at ENDA. In their observation, they were subjected to labour malpractices and injustices. The Committee observed that the workplace at ENDA is hostile and characterized by miscommunication, intimidation, discrimination and general mismanagement. That is basically what I brought to the Floor of the House. Thank you for that.

The Committee observed that employees were subjected to very long unending casual temporary employment, some as long as 10 years.

**The Deputy Speaker** (Sen. (Prof.) Kamar): There is a point of order from Sen. (Eng.) Mahamud.

**Sen. (Eng.) Mahamud:** Madam Deputy Speaker, I do not intend to interrupt my good friend, Sen. Dullo, but a report has been tabled by the Committee. I do not see a Notice of Motion for debate on that report. Is it procedural for us to start debating a report which has been tabled and has not been moved as a Motion for the House to adopt or reject? Is it in order?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Dullo made reference to Standing Order No.48(4). If you read it, it says that the Speaker may allow the Senator who made the request for the Statement under Standing Order No.48(1) - which is what was done - or any other Senator to make comments for not more than 20 minutes. That is why I said I will not allow any more than 20 minutes for any Statement, if you heard me. Yes, she is in order. I just want them to be brief, because 20 minutes is 20 minutes. Today is a very tough day.

**Sen. Dullo:** Thank you, Madam Deputy Speaker. I will be very brief. The Committee observed that hiring promotions and transfers at ENDA has been undertaken based on ethnic favouritism, nepotism and cronyism. The Committee observed that eight employees were dismissed unprocedurally and unfairly.

Having looked at the observations, it is unfortunate that the recommendations have been given by the Committee after almost a year after investigations when these officers are home. Some of these people served that organization for over ten years. The Committee has failed to make any concrete remedial recommendations in ensuring that the rights of those people were upheld, especially the ones who were laid off.

In the recommendations, where they did not find a solution, the matters were referred to the Ministry. The matter is referred back to the same Ministry that violated their rights under the Kenya National Commission on Human Rights (KNHCR) and the Geothermal Association of Kenya (GAK). These people have been before the Ministry,

the board, and the Commission on Administrative Justice (CAJ), and it referred them back to the same Ministry. This means that the Senate has relegated its responsibility to a different entity where justice will be found.

Madam Deputy Speaker, again, the Committee unnecessarily duplicates functions of the Senate regarding this matter. The Senate has referred the matter to the Ministry. In the whole proceeding, you will see that there is intimidation and harassment of the staff by the CEO, using the Criminal Investigation Department (CID) and other institutions.

I have a case of a lady whose office has been locked as a result of intimidation. She was a finance officer. I can table the padlocks that had been put on her door by the executive from that institution. I will table them. Further, there is a lady, a Person with Disability (PWD), who is 58 years old, who, after appearing before the Committee, was interdicted having worked with the organization for all those years.

Madam Deputy Speaker, this is a House of justice. I am representing the people of Isiolo. This is the House that needs to address people whose rights have been violated. So, if we refer the matter back to the Ministry, it means that the Senate has relegated its responsibility. This is because promotions are based on tribalism, cronyism and nepotism.

I request the Committee to visit that institution to see what is happening and find a solution for the current situation.

I will stop at that. However, I feel that this matter needs to be addressed further. I am not satisfied. So, from practice, this House has a right to refer the matter back to the Committee or come up with the solutions. This is because these are Kenyans whose rights were violated. Right now, they are at home, they do not have jobs, their children are in school and they cannot pay their rents having worked for that institution for over 10 years.

Madam Deputy Speaker, I feel that my Statement has not been addressed. Therefore, I refer the matter back to you for your intervention.

**The Deputy Speaker** (Sen. (Prof.) Kamar): You are about six of you and the numbers are growing. So, spend one and a half minute.

**Sen. Madzayo:** Bi. Naibu Spika, kwa hisani yako, nipe dakika tatu nimalize. Mimi ni mmoja wa wale Maseneta ambao walikuwa jaji katika hili koti ambalo lilikuwa lina jihusisha na hili jambo la wafanyikazi.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Wambua and Sen. Mutula Kilonzo Jr. have spoken on your behalf.

Go ahead.

*(Laughter)*

**Sen. Madzayo:** Bi. Naibu Spika, kwanza namshukuru dada yangu, Sen. Dullo, kwa kuuliza swali hili.

Uzito wangu ni kwamba mimi ni mmoja wa Kamati ya Leba. Lakini uzito ambao unanifanya niongee ni kwa sababu ninaangalia ripoti hii ya mama mlemavu ambaye tangu azaliwe, hajakuwa sawa na wamama wengine ambao wanaweza kujitafutia lakini alipata kibarua mahali kama hapa. Tegemeo lake kubwa lilikuwa kumuona Sen. Dullo ili amweze masabu yaliyomkumba ili apate msaada na yamefika hapa.

Bi. Spika, tunataka wafanyikazi walemavu waendeleo kupata kazi. Jambo la kusikitisha ni kwamba wamefanya kazi miaka mingi pale ndani zaidi ya miaka kumi lakini leo wameambiwa waende nyumbani. Wataenda wapi?

Jambo la pili, Kamati ambayo mimi ni mmoja wao ilipitisha ya kwamba waliachishwa kazi kinyume cha sheria. Kwa hivyo, hatua itakayofuata ni Kamati iseme warejeshwe kazini.

Jambo la kushangaza ni kwamba Kamati inaosha mikono kama koti ya Bibilia ya Pontius Pilate aliposema ‘huyu mtu hana dhambi, lakini sasa mimi sitaki kusema nyinyi ndio mnasema’. Tunawarejesha tena kwa watu ambao walitaka kuwaadhibu. Sasa, tegemeo lao kubwa ni kwamba hapa ndio watakaopata msaada. Lakini, sisi tunawarejesha tena kwa mdomo wa simba. Kweli hao watu watapata haki kule?

Mimi ninaona waamuzi huo----

**The Deputy Speaker** (Sen. (Prof.) Kamar): Senator, for the sake of the Members who do not understand you because you are speaking good Kiswahili, you have said that you are a Member of the Committee. So, are you deferring from the report?

**Sen. Madzayo:** Bi. Naibu Spika, kwa ruhusa, nasema ukweli kwamba ijapokuwa mimi ni Mamba wa hii Kamati, sikubaliani na hii ripoti. Ndio sababu nimesema nitapata nafasi nanitasema. Siwezi kupiga makofi kwa sababu mtu amepoteza kazi na mimi ninaweka kidole na kusema ni sawa. Maoni yangu ni kwamba, afadhali uamuzi kama huu urudi tena katika Bunge la Seneti kwenye Kamati tuchunguze vizuri ili hao watu wapate afueni na warudi kazini.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Senator, I am trying to check whether you signed against the report.

**Sen. Faki:** Asante Naibu Spika. Ninatoa kauli yangu kuhusiana na ripoti hii. Nimeiangalia kwa mtazamo fagia nanikaona kwamba katika mapendekezo yao, moja nikuwa malalamiko ya walalamishi yarejeshwe katika Wizara pamoja na taasisi nyingine yakachunguzwe. Lakini, wao waliamini kwamba Bunge la Seneti ndio mahali ambapo wataleta malalamishi yao kama hatua yao ya mwisho.

Kwa hivyo, mimi sikubaliani na uamuzi huo kwa sababu nikuwapaka mafuta kwa mgongo wa chupa.

*(Sen. Mutula Kilonzo Jr. consulted loudly)*

*(Laughter)*

Bi. Naibu Spika, Kiswahili kinaendelea kusomwa. Nashukuru, Sen. Mutula Kilonzo Jr., kwa kunikosoa.

**The Deputy Speaker** (Sen. (Prof.) Kamar): There is a point of order from Sen. Kinyua, the other Swahili orator.

**Sen. Kinyua:** Bi. Naibu Spika, sikutaka kuongea kuhusu hili jambo. Lakini, ninajua kwa nini amekosea. Nimekuwa nikimfuatilia kwa mambo ya mgongo wa chupa. Amefanya makosa kwa sababu, wakati sisi tunasema mambo kwa kingereza ‘*bottom up*’, nimekuwa nikimskia akisema. Ndio maana amefanya makosa hayo na ninamuelewa.

**Sen. Faki:** Nimasikitiko kwamba umempa Sen. Kinyua nafasi ya kuongea juu ya hoja ya nidhamu, lakini katika hoja yake, hakuna nidhamu yoyote ambayo imevunjwa.

Bi. Naibu Spika, mapendekezo ya Kamati hayaridhishi. Wamekubali kwamba watu walifutwa kazi kinyume cha sheria. Tukiangali Kifungu cha 37 cha Sheria ya Uajiri,

mfanyikazi akifutwa kiholela, anafaa kulipwa ridhaa na kama inawezekana arejeshwe kazini. Hawa wamezungushwa mwaka mzima na sasa wameambiwa wapeleke malalamiko yao kwa Wizara yachunguzwe tena.

Sisi kama Bunge la Seneti, hatukubali mapendekezo hayo kwa sababu yatailetea kejeli Bunge hili. Kwa hivyo, naomba kama waliotangulia walivyosema kwamba, hii ripoti irudishwe tena kwa Kamati na waweze kutekeleza inavyopaswa kisheria.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Sakaja, I wanted to give you two minutes at the end. Are you on a point of order or a point of information?

**Sen. Sakaja:** Madam Deputy Speaker, I rise on a point of order. This report has been tabled. I do not know what Members are contributing to apart from what the Senators are referring to. What they are talking about is not what is in the report. Is it in order for Sen. Faki and Sen. Madzayo, who was there and signed, to comment on what is not in the Report?

Could you delay this discussion for 10 minutes for them to read the specific observations and recommendations? The Committee has said that because we have not finished the matter--- You have ruled before that in this House committees are in charge of implementation of the reports.

Madam Deputy Speaker, we have heard all the sides. We have seen there is an issue with the human resource. We have given them time and the Ministry to tell us the remedial action and even said that the Committee is going to visit. Why jump the gun and speak about things that you have not read? This is a report of a Statement and not a Petition. It is very unfair for Members to cast aspersions on the Committee without having read the Report that they are talking about. Please give them time to read it.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Senator, you have even said something that is more complicated. You are saying the Committee is still going to visit. If the Committee is going to visit, is this an interim report? If it is an interim report, we need to know so that we know that there is still work going to be done on this report.

That was why I wanted to know from a Member who seems to be dissociating himself from the Report, whether he signed for it or not. If it is not over, then we need to make a different decision so that we allow you to go and take care of what the person who petitioned this question is asking for. You have answered me and said it is not finished yet. If it is not concluded, let me allow Sen. Dullo's point of order. You said you are going to go back. So, you are still going to go for a fact finding mission.

**Sen. Sakaja:** Madam Deputy Speaker, let me explain.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Order, Members! Let us get the Chairperson right on where he is.

**Sen. Sakaja:** Madam Deputy Speaker, probably it would have been useful if you knew that you were going to open up the Report to have allowed me to take Members through it. Members are talking about something very different. The issue was brought up. We listened to the affected staff, the Ewaso Ng'iro North Development Authority (ENNDA) and the Ministry. We got the history of this situation. There were over 50 vacancies. Some did not apply, but some got it and some did not.

We decided that on the general HR issues and what was brought to us, that we have given a timeline by which remedial action must be taken.

*(Loud consultations)*

I am on a point of order.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Order, Members! I just wanted a clarification from the Chairperson that it is still open. The Chairperson is on his feet. I gave him the permission to speak. So you do not have to cheer him up also. He knows.

**Sen. Sakaja:** Madam Deputy Speaker, this Report--- If there was one I would delay the report.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Sakaja, can you address the Chair and stop distractions?

**Sen. Sakaja:** Madam Deputy Speaker, there was a team there. This Report having been adopted by five Members of the Committee is no longer a preliminary report. It is a final Report. However, as we have seen, this House has no Committee on Implementation. I have dealt with so many reports here, including the one on railways. We gave a Report, but six months later we had to make sure everybody has gotten the payment. We have committed that we are also still going to go back to ENNDA to make sure the remedial action they have promised is taken. That is the Report.

Finally, when Members bring a Statement, it is not compulsory that you have to agree with it. If you bring it back unless you take it to a different committee. We have seen it because we heard all the parties involved. There are also other matters that we have not put here because of respect.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Chairperson. We have understood you. Please take your seat.

**Sen. Sakaja:** Madam Deputy Speaker, the point is that we are still on the issue. We are still going to go back, but as of now this is the Report. I would urge Members to read it before commenting.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Mr. Chairperson, please take a seat because I had asked for one clarification from you whether it is still ongoing or it is final. This is because the report that I have seems to be giving us a final Report. There was a meeting on the 30<sup>th</sup> June where it was adopted via a proposal. There was a proposer and seconder for that.

Let us rest it there that this is a final report. Members can use the 20 minutes that I had availed to make the comments that they have had. I was going to give you the last word. Listen to them because they have read it. We always assume that people read the Report immediately they come across it.

Sen. Murkomen, are you on a point of order? What is your point of order because there is nobody on the Floor for you say he is disorderly?

**Sen. Murkomen:** Madam Deputy Speaker, I have followed what Sen. Sakaja said very keenly and you have said that there is a Report that has been tabled in this House. How are we expected to comment on it and we have not even read it? Wait, if the report--

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*(Loud consultations)*

This is a very serious point of order. If anyone else has a different one, they can raise it.

The issue here is that was the Report moved? Are we debating it for adoption? Are we commenting because it is under Standing Order No.48 (1)? If that be the case, tabling is not enough. If it is a report whose Statement was made under Standing Order



No.48, then a Statement should be made first by the Chairperson. Then now we will comment.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senator, we do not want to rule you out of order because you are arrived when the Chairperson had already tabled the Report. The Chairperson had already made his Statement.

**Sen. Murkomen:** Madam Deputy Speaker, did he make a Statement?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Order, Members! The Chairperson tabled the Report. Our procedure is that when the Chairperson tables a report according to Standing Order No. 48(4), the Speaker may allow the Senator who made the request and any other Member to make comments or observations in relation to the report for a maximum of 20 minutes.

If you do not have the opportunity to go through it--- The minute you see your Order Paper we expect you to go to the documentation room and get a copy for yourself unless you do not have interest in the Report. However, if you have interest, it is always there. My assumption is that any Member who went and picked it is aware of what they want to say.

Sen. Kinyua, please you have two minutes to finish your statement.

**Sen. Kinyua:** Madam Deputy Speaker, thank you.

**Sen. Wamatangi:** Madam Deputy Speaker, I raised my hand and I am sure maybe you had not seen me on a point of order when the Chairperson was doing his presentation. What I wanted to seek your guidance on is that, is the Chairperson of the Committee in order to mislead the House? In my view, he is misleading the House when he challenges the contributions that were being made by Members while the report is here. The recommendations made by the Committee are clear as day and night.

Indeed, in their recommendation number two they have clearly referred this matter back to the Ministry. They have relegated the same mandate that had been given to the Committee to come up with a conclusion to the Ministry to then recommend back to the Committee the measures they are taking. In simpler terms, the Committee has simply abdicated responsibility.

**The Deputy Speaker** (Sen. (Prof.) Kamar): We got your point. Please do not go beyond the point of order.

**Sen. Wamatangi:** Madam Deputy Speaker, my point is simple. The Chairperson of the Committee is out of order to mislead the House. The Report is absolutely what the Members have said.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Leave the conclusion to--- I have heard you. Sen. Kinyua, proceed. One minute now because my 20 minutes are running out.

**Sen. Kinyua:** Thank you, Madam Deputy Speaker. I have looked at this Report and it is true. The observation is very right, but the recommendations are wrong. It is like saying Sen. Kinyua has teeth and a cow has teeth. That observation is very true. However, concluding that Sen. Kinyua is a cow is wrong. It is exactly what they have done.

If you look at what they are recommending, they say that all the recommendations should be taken back to the Ministry. So, there was no need for this complainant to come to the Senate in the first place. I have interacted with Mr. Gashushwa David Muriithi. He

is a graduate with a Bachelor's Degree from Egerton University. From our investigations, they said this person did not exist.

With a lot of respect to the Chairperson of the Committee who has been sitting in many committees and doing a good job, on this one, I feel they need to bring this Report back to this House so that it can be investigated again. Look at what they are saying, that they are giving the Ministry three months so that they can go back and check the milestones in terms of implementing what they have recommended.

Madam Deputy Speaker, it is this House that is supposed to make sure many of these recommendations are implemented. They even say that the Senate has no capacity to micromanage the institution. We are not doing that. We are doing our oversight duties. That is why many Senators who sit in that Committee disagree with this Report.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator.

Sen. Mutula Kilonzo Jnr., two minutes. Please, I am not taking in new Members on this one. I will only have Sen. Wambua and Sen. (Dr.) Musuruve for two minutes each.

**Sen. Mutula Kilonzo Jnr.:** Madam Deputy Speaker, we will not mince our words. This Report is terrible. The Committee, as Sen. Kinyua has mentioned, says Ewaso Ng'iro North Development Authority (ENNDA) must not be micromanaged. The minute you made that conclusion, you compromised yourselves completely. It is because we are an entity that oversights public institutions.

Madam Deputy Speaker, would you be surprised that the National Treasury allocated this entity Kshs406 million this financial year? We are aware of this. The 56 people who were fired in 2020 were fired during Coronavirus (COVID-19) pandemic. If you look at the list of the fired people, it presupposes that there is somebody in that institution who is keen on hiring their kin. It is not for nothing that they have fired people from all over the country. They have replaced them with people of their tribe.

**An hon. Senator:** Yes!

**Sen. Mutula Kilonzo Jnr.:** Lastly, if this Committee was serious – a judge is here – they would have a recommendation on what they found on the 56 people. Every dismissal is a course of action.

**Sen. Dullo:** On a point to information, Madam Deputy Speaker.

**The Deputy Speaker** (Sen. (Prof.) Kamar): There is a point of information from Sen. Dullo. Please, be very brief because the minutes are over.

**Sen. Dullo:** Thank you, Madam Deputy Speaker. For your information, Sen. Mutula Kilonzo Jnr., after I brought the matter to the House about the 56, they reinstated 42 and left out the rest on the basis that they are not qualified. One of them is the one mentioned by Sen. Kinyua who is a graduate, and they say he is not qualified. The reason is that he is not a relative or from the tribe of the Chief Executive Officer (CEO). That is why he was not reinstated.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Dullo, be careful not to make conclusions. We expect the Chairperson to give us the conclusions.

Sen. Mutula Kilonzo Jnr. you have a half minute remaining.

**Sen. Mutula Kilonzo Jnr.:** Madam Deputy Speaker, it is one minute. I have checked. This is the position, if they were 56 and 42 were reinstated, there should be a table showing the same. On the reinstatement table, we would then check what discretion they used and see whether there was injustice or discrimination on the eight.

In my view, this Committee should stand down on this matter and allocate it to another Committee. We, the Committee on Justice, Legal Affairs and Human Rights, are prepared to handle this matter.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. You have finished your minute.

Sen. Wambua, proceed and then I come to the Chairperson.

**Sen. Wambua:** Thank you, Madam Deputy Speaker. I will address myself to only two issues. One is observation No.16. It tries to cast aspersions on the work of a Senate Committee or the Senate in total. That observation is very dangerous. Saying that ENNDA should not be seen to be micromanaged, by who and on what?

Madam Deputy Speaker, issues must be raised. If human resource issues arise in all institutions, they must be raised and questioned and answers provided. That does not amount to micromanaging. We are just enquiring into what is happening.

Secondly, I am of the important view that the Committee said they will go back to site after three months.

**Sen. Mutula Kilonzo Jnr.:** How?

**Sen. Wambua:** Madam Deputy Speaker, to do what? They have already made their observation and made recommendations. That Committee should stand down and give this job---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator!

*(Sen. (Eng.) Mahamud spoke off record)*

Sorry, it was not Sen. (Dr.) Musuruve, but Sen. (Eng.) Mahamud who has been flicking. That is the last one and then I will come to the Chairperson. It is too late, please.

**Sen. (Eng.) Mahamud:** Madam Deputy Speaker, we did not want to debate this Report before, but I come from that region. The ENNDA covers 100 per cent of my county and many others. I have not read the Report made by Members, but I know the story of the 56 people. They were casuals for many years and they wanted to regularize. So, they asked them to apply. They did and those who qualified were taken.

Apparently ENNDA covers all the counties. We want the Report to be substantively moved so that we can debate it and bring out the facts. The way it is now, the Member has moved under Standing Order No.48(4) where we are supposed to comment for 20 minutes. We have been talking for one hour now. We have debated the Report in various positions. To be fair to the Report, the Authority and the Committee of the Senate, we need the Report substantively moved and tabled. What we are doing is unprocedural.

**The Deputy Speaker** (Sen. (Prof.) Kamar): I want to guide the Chairperson. You have listened to the sentiments.

*(Loud consultations)*

*(Sen. (Eng.) Mahamud stood up in his place)*

Order, Members! Sen. (Eng.) Mahamud, please, take your seat.

I will allow the Chairperson to make comments that will help us resolve this matter. I want him to be sensitive to the comments that have come from Members and tell us what else is required as a way forward.

**Sen. Sakaja:** Thank you, Madam Deputy Speaker. As I said earlier, there is benefit in reading. Sen. Mutula Kilonzo Jnr., has stood up and become so poetic about what the Committee should have done yet he has not read the Report. The names of the eight people he is asking for are in the report.

Madam Deputy Speaker, I know the work I have done in this House for the past three years is unimpeachable. Without having looked at the specifics in the Report, it is unfair.

First, there were 56 employees of the Ewaso Ng'iro North Development Authority (ENNDA). The Ministry together with ENNDA acknowledged the fact that for a long time, ENNDA had serious Human Resource (HR) issues. In fact, the CEO and the Board are new.

When they came in, they started the process of rationalizing the staff. The 56 advertisements were not external. So, when a Senator stands up and says somebody is firing people to hire their cronies, from where?

Out of the 56, 50 applied for the advertised positions. One applied for unadvertised positions that are not there. Five did not apply. Out of the 56, 42 were reinstated. Maybe the language used is wrong, but I do not see how you would have wanted us, as Senate, to say you must hire this specific person. They were absorbed.

The names of the eight that Sen. Mutula Kilonzo Jnr. is asking for are in the Report. You need to read the whole Report because the names are there.

Additionally, we acknowledge the process of rationalization, including merging one department with another. When you bring a Statement and there is an outcome that you want, that this person must be in a certain department, we cannot. Even if that comes to my committee, I will not do that. We cannot dictate that.

I have dealt with numerous labour issues in all the counties. What we must---

*(Sen. Mutula Kilonzo Jnr. spoke off record)*

Allow me to finish. I do not want to get into an argument.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Mutula Kilonzo Jnr., I would rather we have a way forward.

**Sen. Sakaja:** I am giving the way forward. Allow me to finish because it is a Report. Just give me time.

**Sen. Mutula Kilonzo Jnr.:** Why do you not listen! As a Senate, our work is to pass recommendations. When you table a report, it is the recommendations that are actioned. We are simply saying that there are no recommendations on that Table. It is not that we do not know, do not mislead the House.

**Sen. Sakaja:** Madam Deputy Speaker, that is debatable. Sen. Mutula Kilonzo Jnr. is completely wrong.

Madam Deputy Speaker, let me read out the recommendations properly after having done that.

**The Deputy Speaker** (Sen. (Prof.) Kamar): I did not want you to go there.

**Sen. Sakaja:** I must, Madam Deputy Speaker, because on the record of this House, the recommendations that are being read are not our recommendations. We said that the Ministry together with the management must give us a report with comprehensive milestones on the status of the human capital reforms for workers under their purview.

Secondly, we said that within one month, they must give us specific remedial measures taken to address the specific issues raised in the Statement and the affected staff who are eight of them.

Thirdly, we have commissioned the National Gender and Equality Commission (NGEC) and the Kenya National Human Rights Commission (KNHRC) to conduct an investigation on human rights violations. When somebody comes and says that their rights have been violated and someone says it has been done and someone else says it has not been done, we cannot take sides. It is “he says” and “she says”. This Senate must be objective.

I have gone to that county more than three times. Once we receive those two reports as a Committee, we shall go back to the site and have further engagements and give further recommendations. I do not see what else can be done. That is the position.

This is a report under Standing Order No.48. If it was a Petition or a Motion, it could have been dealt with in another manner. I stand on that position.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you Chair.

Hon. Members, it is true that under Statements, we do not move a Motion to debate a report. It is only 20 minutes. Fortunately, some Members use 20 minutes to read a report while others do not read.

For those who read, in most cases when there is no time, they read observations and conclusion. Most Members do that. That is why they are wondering why there is no relationship as observed by different Members.

A Member asked a question. I do not think there is a problem with the investigations. In her own words, she said the committee did a commendable job and gave good observations. However, the conclusions were short.

This is what I want to suggest. We are not going to have another Committee. We observed that there are Members of the Committee who do not seem to be in agreement.

Chair, I strongly recommend that you sit with your Members and look at the observations. If there is any gap that you need to fill, do so and then reintroduce the Report again. It is so ordered.

*(Loud consultations)*

Order, Members! Please take your seats. I would like to inform Members both online and those in the House that we will be voting shortly. Please do not go away.

*(Sen. (Dr.) Langat spoke off record)*

Order, Sen. (Dr.) Langat! Sen. (Eng.) Mahamud and Sen. Cheruiyot, please take your seats.

*(Sen. (Eng.) Mahamud and Sen. Cheruiyot sat at their places)*

*(Loud consultations)*

We are not going back. We are expecting that report in 14 days. I have ruled and we are not revisiting that. If you need guidance, you will approach us separately, but we are okay.

What is it, Sen. Murkomen?

**Sen. Murkomen:** On a point of order, Madam Deputy Speaker. This is a House of rules and the Standing Orders are clear on the language that should be used in this House.

Madam Deputy Speaker, when you were standing, Sen. Cheruiyot was also standing. In the process, Sen. (Dr.) Langat shouted saying that; Sen. Cheruiyot sit down. Respect your *pöker*. What is *pöker*? How can the Deputy Speaker be called *pöker* in the Senate?

**The Deputy Speaker** (Sen. (Prof.) Kamar): I think that was Greek because none of us understood.

*(Laughter)*

**Sen. (Dr.) Langat:** Madam Deputy Speaker, I just want to inform Sen. Murkomen not to be collecting phatic talks around the corridors and bringing them into the House because they are not on record. I was neither referring to you nor to anybody here. I was just saying my own things. I am sorry, Sen. Murkomen.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Mutula Kilonzo Jnr., you can table the first Paper, which is the Report on The Prompt Payment Bill (Senate Bills No.16 of 2021).

REPORT ON THE PROMPT PAYMENT BILL,  
(Senate Bills No.16 of 2021)

**Sen. Mutula Kilonzo Jnr.:** Thank you Madam Deputy Speaker. I am sure we will find out what that means in a few minutes.

Madam Deputy Speaker, I beg to lay the following Paper on the Table of the Senate:

Report of the Standing Committee on Finance and Budget on the Prompt Payment Bill (Senate Bills No.16 of 2021).

I thank you.

*(Sen. Mutula Kilonzo Jnr. laid the document on the Table)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): The last is Paper No. V - Report of the Standing Committee on Health on the Special Audit Report on Utilization of COVID-19 Funds by the County Governments.

Proceed, Committee Vice-Chairperson.

REPORT ON THE SPECIAL AUDIT REPORT ON  
UTILIZATION OF COVID-19 FUNDS

**Sen. Olekina:** Thank you, Madam Deputy Speaker. I beg to lay the following paper on the table of the Senate today, Thursday, 29<sup>th</sup> July, 2021-

Report of the Standing Committee on Health on the Special Audit Report on Utilization of COVID-19 Funds by the County Governments.

*(Sen. Olekina laid the document on the table)*

**STATEMENTS**

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, very much. May I use my discretion to allow for the Statement under Standing Order No.52(1), then we go to Statements under Standing Order No. 48(1).

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY 3<sup>RD</sup> AUGUST, 2021

**Sen. Wamatangi:** Madam Deputy Speaker, I rise pursuant to Standing Order No.52(1). I hereby present to the Senate the business of the House for the week commencing Tuesday, 3<sup>rd</sup> August, 2021.

On Tuesday, 3<sup>rd</sup> August, 2021, the Senate Business Committee (SBC) will meet to consider and approve business for the week. On that day, the Senate will consider Bills at the Second Reading Stage, Motions on Reports of various Standing Committees as contained in the programme of Senate business.

The Senate will also continue with consideration of Bills, Motions, Petitions and Statements that will not be concluded in today's Order Paper.

On Wednesday, 4<sup>th</sup> August, 2021, the Senate will continue with the business that will not have been concluded on Tuesday, 3<sup>rd</sup> August, 2021, and any other business scheduled by the SBC.

On Thursday, 5<sup>th</sup> August, 2021, the Senate will continue with the business that will not have been concluded on Wednesday, 4<sup>th</sup> August, 2021, and any other business.

Madam Deputy Speaker, as we are aware, the Senate has been in the process of republishing Bills in line with the judgment of the High Court of Kenya in Constitutional Petition No. 284 of 2019. As of now, a total of 61 Bills have been published. Out of those, 21 are undergoing concurrence pursuant to Article 110 (3); 29 are at the Second Reading and eight Bills are at the Committee of the Whole stage.

As indicated in today's Order Paper, there are seven Bills scheduled for division at the Second Reading stage at Orders No.8 to14. Further, there are six Bills scheduled for Committee of the Whole stage.

I take this opportunity to urge Senators to avail themselves this afternoon for the division. I also urge the responsible Senators and respective Standing Committee Chairpersons to be available for the Committee of the Whole to allow for the smooth transition to the next stage.

I take this opportunity to applaud committees for their effort in processing five Statements and Petitions referred to them. However, there are still a number of Petitions pending conclusion in the Senate. I urge respective Standing Committees to expedite consideration of the Petitions and any other pending business and table reports pursuant to the Standing Orders.

Madam Deputy Speaker, I thank you, and hereby lay the Statement on the Table of the Senate.

*(Sen. Wamatangi laid the document on the table)*

**The Deputy Speaker** (Sen. (Prof.) Kamar: Hon. Senators, we will skip the Statements for now and go to the next order for the convenience of the House in view of the divisions.

Order No.7 is stood down for now. We will come back to it later.

Let the Clerk read out Orders No. 8 to 14.

## **BILLS**

### *Second Reading*

THE COUNTY VOCATIONAL EDUCATION AND  
TRAINING BILL (SENATE BILLS NO. 6 OF 2021)

*(Division)*

### *Second Reading*

THE BASIC EDUCATION (AMENDMENT) BILL  
(SENATE BILLS NO. 4 OF 2021)

*(Division)*

### *Second Reading*

THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL  
(SENATE BILLS NO. 7 OF 2021)

*(Division)*

### *Second Reading*

THE START-UP BILL (SENATE BILLS NO. 1 OF 2021)

*(Division)*

### *Second Reading*



THE OFFICE OF THE COUNTY PRINTER BILL  
(SENATE BILLS NO. 13 OF 2021)

*(Division)*

*Second Reading*

THE SALARIES AND REMUNERATION COMMISSION  
(AMENDMENT) (SENATE BILLS NO. 31 OF 2021)

*(Division)*

*Second Reading*

THE COUNTY LICENSING (UNIFORM PROCEDURES)  
BILL (SENATE BILLS NO. 32 OF 2020)

**The Deputy Speaker** (Sen (Prof.) Kamar: Let the Division Bell be rung for three minutes only.

*(The Division Bell was rung)*

Can we please have Tellers? Hon. Senators, please take your seats.

Hon. Members, if you are outside, come in. We will ring the Division Bell for another two minutes. Our colleagues who are online, please be patient with us, we are going to be very fast.

*(The Division Bell was rung)*

Order, Members! Please take your seats as I put the question that the County Vocational Education and Training Bill (Senate Bills No. 6 of 2021); The Basic Education (Amendment) Bill (Senate Bills No. 4 of 2021); The Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 7 of 2021); The Start-Up Bill (Senate Bills No. 1 of 2021); The Office of the County Printer Bill (Senate Bills No. 13 of 2021); The Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No. 31 of 2021) and the County Licensing (Uniform Procedures) Bill (Senate Bills No. 32 of 2020) be now read a second time.

*(Question put and the Senate proceeded to Vote by Roll Call Voting)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, when you vote, please do so for the seven Bills, so that we do not have to repeat. Voting is by roll call, and it starts right now.

*(Voting in progress)*

*Second Reading*THE COUNTY VOCATIONAL EDUCATION AND  
TRAINING BILL (SENATE BILLS NO. 6 OF 2021)**DIVISION**

## ROLL CALL VOTING

*(Question, that the County Vocational and Training Bill (Senate Bills No.6 of 2021) be read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lang'at, Bomet County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; and Sen. Wambua, Kitui County.

**Teller for the Ayes:** Sen. (Dr.) Milgo.

**NOES:** Nil

**Teller for the Noes:** Sen. Chebeni.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the results of the division are as follows: -

**AYES:** 27

**NOES:** Nil

**ABSTENTIONS:** Nil

*(Question carried by 27 votes to nil)*

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

*Second Reading*THE BASIC EDUCATION (AMENDMENT) BILL  
(SENATE BILLS NO. 4 OF 2021)**DIVISION**

## ROLL CALL VOTING

*(Question, that the Basic Education (Amendment) Bill (Senate Bills No. 4 of 2021) be read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lang'at, Bomet County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; and Sen. Wambua, Kitui County.

**Teller for the Ayes:** Sen. (Dr.) Milgo.

**NOES:** Nil.

**Teller for the Noes:** Sen. Chebeni.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the results of the second vote are as follows-

**AYES:** 27

**NOES:** Nil

**ABSTENTIONS:** Nil

*(Question carried by 27 votes to nil)*

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

### *Second Reading*

THE STREET VENDORS (PROTECTION OF LIVELIHOOD)  
BILL (SENATE BILLS NO. 7 OF 2021)

### **DIVISION**

### **ROLL CALL VOTING**

*(Question, that the Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 7 of 2021) be read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen.

Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lang'at, Bomet County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; and Sen. Wambua, Kitui County.

**Teller for the Ayes:** Sen. (Dr.) Milgo.

**NOES:** Nil.

**Teller for the Noes:** Sen. Chebeni.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the results of the voting is as follows-

**AYES:** 27

**NOES:** Nil

**ABSTENTIONS:** Nil

*(Question carried by 27 votes to nil)*

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

*Second Reading*

THE START-UP BILL (SENATE BILLS NO.1 OF 2021)

## DIVISION

### ROLL CALL VOTING

*(Question, that the Start-Up Bill (Senate Bills No.1 of 2021) be read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lang'at, Bomet County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; and Sen. Wambua, Kitui County.

**Teller for the Ayes:** Sen. (Dr.) Milgo.

**NOES:** Nil.

**Teller for the Noes:** Sen. Chebeni.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the results of the voting is as follows-

**AYES:** 27

**NOES:** Nil

**ABSTENTIONS:** Nil

*(Question carried by 27 votes to nil)*

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

*Second Reading*

THE OFFICE OF THE COUNTY PRINTER BILL  
(SENATE BILLS NO.13 OF 2021)

### **DIVISION**

#### **ROLL CALL VOTING**

*(Question, that the Office of the County Printer Bill (Senate Bills No.13 of 2021) be read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lang'at, Bomet County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; and Sen. Wambua, Kitui County.

**Teller for the Ayes:** Sen. (Dr.) Milgo.

**NOES:** Nil.

**Teller for the Noes:** Sen. Chebeni.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the results of the voting is as follows: -

**AYES:** 27

**NOES:** Nil

**ABSTENTIONS:** Nil

*(Question carried by 27 votes to nil)*

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

THE SALARIES AND REMUNERATION COMMISSION  
(AMENDMENT) BILL (SENATE BILLS NO.31 OF 2021)

### DIVISION

#### ROLL CALL VOTING

*(Question, that the Salaries and Remuneration Commission  
(Amendment) Bill (Senate Bills No.31 of 2021) be read a Second  
Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lang'at, Bomet County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; and Sen. Wambua, Kitui County.

**Teller for the Ayes:** Sen. (Dr.) Milgo.

**NOES:** Nil.

**Teller for the Noes:** Sen. Chebeni.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the results of the voting are as follows-

**AYES:** 27

**NOES:** Nil

**ABSTENTIONS:** Nil

*(Question carried by 27 votes to nil)*

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

*Second Reading*THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL  
(SENATE BILLS NO.32 OF 2020)**DIVISION****ROLL CALL VOTING**

*(Question, that the County Licensing (Uniform Procedures) Bill  
(Senate Bills No.32 of 2020) be read a Second Time, put  
and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lang'at, Bomet County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Eng.) Mahamud, Mandera County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; and Sen. Wambua, Kitui County.

**Teller for the Ayes:** Sen. (Dr.) Milgo.

**NOES:** Nil.

**Teller for the Noes:** Sen. Chebeni.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the results of the voting is as follows-

**AYES:** 27

**NOES:** Nil

**ABSTENTIONS:** Nil

*(Question carried by 27 votes to nil)*

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

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you hon. Senators. We have finished the voting and read out the results.

**STATEMENTS**

**The Deputy Speaker** (Sen. (Prof.) Kamar): Let us go back to the Order on Statements under Standing Order No.48(1). The Senator for Nandi County, Sen. Cherargei, proceed.

APPROVAL PROCESS AND IMPORTATION PROCEDURE FOR  
COVID-19 VACCINES INTO KENYA

He is not here.

*(Statement deferred)*

The second Statement is by Sen. (Dr.) Mbito.

STATE OF MENTAL HEALTH AMONGST  
OFFICERS IN THE DISCIPLINED FORCES

He is not here.

*(Statement deferred)*

The third Statement is by the Senator for Bomet County, Sen. (Dr.) Langat.

MERGING OF REGISTRATION CENTRES  
FOR NATIONAL EXAMINATIONS

**Sen. (Dr.) Langat:** Madam Deputy Speaker, I rise pursuant to Standing Order No.48(1), to seek a Statement from the Standing Committee on Education on the Ministry of Education policy of merging registration centres for national examinations. In the Statement, the Committee should-

(1) Apprise the Senate on the criteria developed for merging registration centres for national examinations in secondary and primary schools, to a minimum of 40 candidates per center.

(2) State whether factors such as distance between homesteads and schools, weather elements, geographical features and cultural activities were considered in developing the criteria.

(3) Explain reasons behind the policy and its implication on schools especially in hardship and marginalized areas that may not raise the required number of 40 students in order to be considered and registered as examination centers.

(4) Inform the Senate whether the Ministry engaged relevant stakeholders before coming up with the criteria.

(5) Outline measures, if any, that the Ministry will put in place in facilitating the ease of movement of candidates to the aforementioned examination centres.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The next Statement is by Sen. Nyamunga.

STATUS OF ISEBANIA-KISII-AHERO (A1)  
ROAD REHABILITATION

**Sen. Nyamunga:** Madam Deputy Speaker, I rise, pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Roads and Transportation



regarding risks posed by floods on the Ahero Junction-Ayweyo-Kolunga section of the newly constructed Isebania-Kisii-Ahero (A1) Road. In the Statement, the Committee should-

(1) Explain whether the contractor took necessary measures to mitigate against risks posed by possible flooding of the Isebania-Kisii-Ahero Road, which cuts through the flood prone areas of Ayweyo and the whole of Nyando Sub-County.

(2) Find out whether the road's drainage system can adequately channel flood waters away from the road without endangering people's lives or neighboring homesteads, following the Meteorological Department warning of heavy rainfall beginning mid-August, 2021; and,

(3) State the impact the road has on the general drainage of the flood prone area of Nyando where it cuts through.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you. The next Statement is by Sen. (Prof.) Ekal.

*(Sen. Mwaruma spoke off record)*

Sen. Mwaruma, we have said no riding for now. What was your intervention on? Please, give him the microphone.

**Sen. Mwaruma:** Thank you, Madam Deputy Speaker. Sen. Nyamunga has requested for a statement from the Committee on Roads and Transportation. I wish to ask for your direction because I requested for a Statement from the same Committee on a road from Njukini to Elasis, which is supposed to be tarmacked. Three months down the line, I have not received any response. Please, give direction on how that Statement is supposed to be prosecuted.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator.

Chairpersons of Committees, we have said it now and again that when Members ask for statements, they want responses. May I ask the Committee on Roads and Transportation to give a response on the question by Sen. Mwaruma. It has taken a long time and we want to dispose off most of our statements even as we look at the Bills. Committee Chairpersons, ensure your responses come before the House so that we can dispose them off.

Sen. (Prof.) Ekal, proceed.

ILLEGAL CONSTRUCTION AT KAAKORE  
IN TURKANA COUNTY

**Sen. (Prof.) Ekal:** Thank you, Madam Deputy Speaker. I rise pursuant to Standing Order No.48(1) to seek a Statement from the Committee on National Security, Defense and Foreign Relations on the illegal construction by residents of West Pokot County at Kaakore in Turkana County. In the Statement-

(1) The Committee should investigate allegations that the leadership of West Pokot County has sanctioned the ongoing illegal construction at Kaakore in Turkana County by residents of West Pokot County through procuring and supplying them with building materials to erect buildings on land that does not belong to them.

(2) Explain the reasons for the reluctance by agents of the national Government in Turkana County to take action as the illegal constructions are going on causing a threat to the delicate peace process in the region.

(3) Outline the measures put in place by the Ministry to avert possible eruption of clashes among locals from both communities over the ongoing construction in the disputed area.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you. The next one is by Sen. Halake.

#### HIGH DROP-OUT RATE OF SCHOOL GIRLS

Sen. Halake is not here.

*(Statement deferred)*

Next is Sen. Olekina.

#### THREATS TO FORCEFULLY EVICT PASTORALISTS FROM PARCELS OF LAND IN LAIKIPIA COUNTY

**Sen. Olekina:** Thank you, Madam Deputy Speaker. Before I seek this Statement, I do so with a very painful heart because this involves the eviction of our people, pastoralists in Laikipia County. We have been dealing with this matter for many years.

Madam Deputy Speaker, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on National Security, Defense and Foreign Relations regarding the threats by the Cabinet Secretary (CS) for Interior and Coordination of National Government, to forcefully evict pastoralists from parcels of land in Laikipia County.

In the Statement, the Committee should-

(1) Explain the reasons behind the seven-day ultimatum by CS Dr. Matiang'i requiring herders to leave grazing land in Laikipia County or be forcefully evicted by Government security apparatus.

(2) State whether the national Government will provide alternative grazing land for the affected pastoralists ahead of the impending eviction as proclaimed by the CS.

(3) Inform the House on the progress made in addressing historical injustices that led to locals being dispossessed of their land by colonialists and powerful Kenyans, leaving locals with very little land to graze their animals

(4) Explain why expired leases for ranches in Laikipia County have continued to be renewed without a portion of land being excised from the ranches for community benefit, thus exacerbating conflict in a pasture stressed area.

(5) State the impact of the livestock offtake programme proposed by the Cabinet Secretary of Interior and Coordination of National Government on the livelihood of the pastoralist communities in the areas targeted as a way of easing pressure on pasture.

(6) Cause the cessation of the seven-day ultimatum issued by the Cabinet Secretary Dr. Matiang'i, until a workable solution for addressing the plight of herders is arrived at in consultation with pastoralists and communities in Laikipia County.

(7) Explain whether there has been consultation between the Government, pastoralists and "owners" of large tracts of land in Laikipia County in the past to address conflict over grazing land and what the outcome of the consultation were.

Finally, the Cabinet Secretary should remember that that land belongs to the people of Laikipia. Our families are spread across from Narok, Samburu and Laikipia. When you tell people to leave within seven days or you will send the entire army and the police to go and evict them, it causes a lot of pain.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senator, do not digress.

**Sen. Olekina:** Madam Deputy Speaker, I will not digress. Thank you for allowing me to request this Statement because it is painful. I hope the Committee on National Security, Defence and Foreign Relations will deal with this matter urgently because it will affect thousands of people.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Kinyua, are you on a point of order?

**Sen. Kinyua:** Madam Deputy Speaker, there must be clarity in this Statement. The Cabinet Secretary was in Laikipia yesterday but he did not talk about evicting pastoralists. He was very clear. He said illegal grazers.

In this country, we are ruled---

**The Deputy Speaker** (Sen. (Prof.) Kamar): We are not debating it.

**Sen. Kinyua:** I am not debating. I am just putting it for the purpose of the Committee, so that they get the gist of the matter. We are talking about illegal grazers.

In this country, we are governed by the rule of law. Let me make it clear that we have classification of land in Article 61. We have public land---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senator, we do not want to work for the Committee. These chairmen are very able. You are all welcome.

**Sen. Kinyua:** I am just providing clarity. When they say we have former colonial masters in Laikipia, that is not true.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The Statement speaks for itself. I want us to wind up on it. In fact, I will not allow riding on this one.

**Hon. Senators:** Point of order!

**Sen. Olekina:** Madam Deputy Speaker, should I proceed or you are allowing points of order?

**The Deputy Speaker** (Sen. (Prof.) Kamar): What is your point of order, Sen. Wambua?

**Sen. Wambua:** Madam Deputy Speaker, you have ruled on this matter. I am just curious. This Statement is about Laikipia and we have the Senator for Laikipia. It is only fair that the Senator for the county gets an opportunity to say something about this issue.

**The Deputy Speaker** (Sen. (Prof.) Kamar): He has said it. We allowed him to rise on a point of order. You know you can make a Statement about Nairobi even if you are from Makeni.

When we commit Statements to committees, we know that the Chairs are very able. As Members, you are also allowed to join those committees.

There is another point of order from Sen. Sakaja.

**Sen. Sakaja:** Madam Deputy Speaker, just very briefly. In this House---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Are you on a point of order?

**Sen. Sakaja:** Yes, I am on a point of order. In this House, we have 47 Senators elected to represent the counties and 20 nominated to represent special interests and they are all very important.

While a Senator can ask a question on any part of the country, once that Statement has been raised, in a situation like this where you limited riding on, for the people we represent, I think it is in order to give the elected Senator even a minute to say something.

The people of Laikipia are watching and the people of Kenya are watching. Whether he agrees with it or not, it is in order for him to make a general statement. Members will come here with issues of Nairobi and if I do not speak, they may think I have agreed or disagreed. We represent the people and we are elected.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Sakaja, whom are you directing your point of order to?

**Sen. Sakaja:** I think it is in order. Madam Deputy Speaker, is it in order for us to go against Article 96 that gives us the mandate to represent our counties by not allowing us to comment on issues affecting our counties?

I seek your indulgence to allow Sen. Kinyua, whether he agrees with it or not, to also say something and not to send him to the Committee.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, Sen. Kinyua was on the Floor on a point of order and I allowed him, so that he tells us what is not in order. He said that what is not in order is the question of illegal grazers and not pastoralists. He was very clear on that one. Please, allow him to finish because he was speaking.

Can you wind up, Senator? We do not want to debate a report that has not come before us.

**Sen. Kinyua:** We are not debating. I am just putting it into context the way it is supposed to be.

Madam Deputy Speaker, what the Cabinet Secretary said is that illegal grazers will be evicted from Laikipia. Secondly, he mentioned about the operation. He did not talk about pastoralists.

We have many pastoralists in the northern part of Laikipia. He did not say that pastoralists in Laikipia will be evicted. He talked of illegal grazers. The reason he said that is because---

*(Loud consultations)*

*(Several Senators stood in their places)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Kinyua, do not go there. Hon. Senators, please, take your seats.

*(Several Senators resumed their seats)*

I allowed a point of order. I did not allow a debate and you to answer questions that the Chair is supposed to respond to because they will do that. By the way, if you have any information, you are free to join the Committee and provide the information.

So, let us not dwell on that so much because you can approach the Chair of the Committee on National Security, Defence and Foreign Relations and give them the information. That is what our Standing Orders provide as far as Statements are concerned.

Secondly, two weeks ago, we agreed that because of the busy schedule, we will not allow riders on Statements. So, I will close it at that. He had not finished.

**Sen. Kinyua:** He was still reading the Statement, unless you want to end it.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Olekina, when you present a Statement, you are not supposed to qualify it because you have a right to go to the Committee and give further information and raise other issues.

*(An hon. Senator spoke off record)*

I thought he had finished. Okay, you finish No.7.

**An hon. Senator:** He had read it!

**Sen. Olekina:** Madam Deputy Speaker, you understand the problem. When you stand here and---

**The Deputy Speaker** (Sen. (Prof.) Kamar): You have a copy. I want you to read No.7

**Sen. Olekina:** Madam Deputy Speaker, the reason I raised that is because what is being said by the hon. Senator is not what is there. Can I read No.7 Madam Deputy Speaker?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Can you read No.7 just in case all of us missed it. Let him finish his Statement.

*(Loud consultations)*

Do you no want him to read No.7?

**Sen. Madzayo:** Bi. Naibu Spika, hoja yangu ya nidhamu ni kwamba yule aliyeleta kauli ile ni Sen. Olekina. Amelileta kauli hii kwa uchungu sana kuhusiana na Wamaasai ambao anawakilisha hapa. Tunaelewa kwamba Wamaasai wanapenda--

**The Deputy Speaker** (Sen. (Prof.) Kamar): No. That is not---

**Sen. Madzayo:** No, no. Nataka kuongea---

**The Deputy Speaker** (Sen. (Prof.) Kamar): That is not in order.

**Sen. Madzayo:** Je ni haki kwa yule mwenye kutoa kauli ambaye ni Mmaasai---

**The Deputy Speaker** (Sen. (Prof.) Kamar): No, no. You are out of order!

**Sen. Madzayo:** Bi. Naibu Spika---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Take your seat, Sen. Madzayo.

**Sen. Madzayo:** Bi. Naibu Spika, tafadhali, niruhusu nimalize. Tafadhali, ninakusihii.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Take your seat, first.

*(Loud consultations)*

What is out of order when I am on my feet? Nothing. If you have a point of order, make it.

*(Loud consultations)*

Hon. Senators, we do not want insinuations. Our rules are very clear on Statements. Let us allow Sen. Olekina to read No. 7 because that was the last point. Some of you heard it; some did not.

I am allowing him to read point No. 7 only and, please, do not add anything and no joyriding on this Statement.

**Sen. Olekina:** Madam Deputy Speaker, I will not add anything, but I just hope we can all listen. The Committee should-

(7) Explain whether there has been consultation between the Government, pastoralists and “owners” of large tracts of land - I say “owners” because the land belongs to the Maasai - In Laikipia County in their past to address conflict over grazing land and what the outcome of the consultation is---

Madam Deputy Speaker, we are in this House to defend our people---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you. Do not qualify it. Hon. Senators, all the Statements that have been read stand committed to the relevant Committees.

**Sen. Cheruiyot:** Madam Deputy Speaker, I need your attention because Sen. Sakaja raised a very important matter. I thought you would rule on it. I am reminding you to give direction on it. It is something I have seen recur several times where a Senator raises a Statement on an issue that is in another Senator’s jurisdiction or the people the other Senator represents.

Ordinarily, when such a matter comes up, out of tradition, you grant the first response or at least some minutes to the resident Senator of the county. I am not in any way getting into the debate of how Sen. Kinyua prosecuted his point. I thought he probably would have done it differently.

On that point Sen. Sakaja raised, would it not be important that you dispense with that matter?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Cheruiyot and all Senators, our Statements are guided by Part 11 of our Standing Orders which does not confine you to your county. I think that should come out very clearly.

Both Statements under Standing Order Nos. 47 and 48, in fact, some Statement are on general national interest. So, you can make a Statement the way you wish. When the Statements have been given, especially the ones under Standing Order No.48, they stand committed to the committees.

When the Committees are investigating, any Senator is free to go and give any information that they feel. Sen. Kinyua did the right thing to stand on a point of order because that was the only entry point he had and he was allowed. There was nothing such as that he was denied the opportunity to say something. He said it, but under a point of order. In fact, he was only pursuing only two words, “pastoralist” and “illegal grazers”.

Although, you have said that for the benefit of the Member who is asking the question, Senator is free to go the Committee and even pursue it further because it is his county. I think he has the right to do that.

Yes, at the point of asking a question, it is not always that one must respond as a person from that county. If you have something that needs correction, you rise on a point of order. It is allowed as we allowed Sen. Kinyua. That is what the procedure says.

When the report comes here, you will be free to debate, but more so, he should take his information to the Committee because that helps the Chairs of these Committees to process the questions properly.

With those remarks, please, let us move to the next Order. We are going to reorganize the business of the House for the convenience of the House. We will stand down Orders No. 15-21 for now and revisit them later.

## **BILLS**

### *Second Reading*

THE PROMPT PAYMENT BILL  
(SENATE BILLS NO. 16 2021)

*(Bill deferred)*

### *Second Reading*

THE COUNTY HALL OF FAME BILL  
(SENATE BILLS NO. 9 OF 2021)

*(Bill deferred)*

### *Second Reading*

THE LAW OF SUCCESSION (AMENDMENT)  
BILL (SENATE BILLS NO. 15 OF 2021)

*(Bill deferred)*

### *Second Reading*

THE DISASTER RISK MANAGEMENT BILL  
(SENATE BILLS NO. 14 OF 2021)

*(Bill deferred)*

### *Second Reading*

THE NATURAL RESOURCES (BENEFIT SHARING)  
BILL (SENATE BILLS NO. 25 OF 2020)

*(Bill deferred)*

*Second Reading*THE KENYAN SIGN LANGUAGE BILL  
(SENATE BILLS NO. 5 OF 2021)*(Bill deferred)***COMMITTEE OF THE WHOLE**THE MENTAL HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO. 28 OF 2020)*(The Committee of the Whole deferred)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): We will proceed straight to Committee of the Whole on the other Bills. As advised by your Whips and I think out of consultation between them, we want to quickly complete the orders under the Committee of the Whole so that we are able to process some other Bills.

I thank Members most sincerely for the voting that took place today. A record seven Bills were cleared and that is where we are going. Did I use the word 'defer'? We are not deferring, but reorganizing the orders.

The Committees are going to take a very short time so that we have them processed for next week's voting.

*(Sen. Sakaja spoke off record)*

I know you are supposed to be responding, but you will get a chance.

**Sen. Sakaja:** On a point of order, Madam Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kamar): What is your point of order, Sen. Sakaja?

**Sen. Sakaja:** Madam Deputy Speaker, under Standing Order No.117 which is what I had raised earlier says: "It is an act of gross disorderly conduct if a Senator-

"Defies a ruling or direction of the Speaker or Chairperson of Committees"

Madam Deputy Speaker, I wish you would listen. I know Sen. Dullo is consulting on an important matter.

Violation of Standing Order 117 has been happening including shouting matches between Senators and yourself. I do not think that is correct and you need to stamp your authority.

I am saying, Standing Order No.117. You have seen what has happened a few minutes ago. You were on your feet saying something and Senators were on their feet.

**The Deputy Speaker** (Sen. (Prof.) Kamar): I wish you raised it. When you raise a point of order, raise it at that time. The eyes of the Speaker do not see----

**Sen. Sakaja:** Madam Deputy Speaker, I raised it.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The ears of the Speaker cannot hear what has not been pronounced. You are now pronouncing a very important thing too late.



The person you are speaking to is gone. When you want to correct something, I encourage you to be on time.

**Sen. Sakaja:** Madam Deputy Speaker, I would like you to allow someone to say what they are saying before coming in. You are not allowing me to complete what I am saying. That was just an example. I raised it at that time and I did not catch your eye but I pressed.

I am using that in the context that now you have already directed how the Order Paper goes. I just want to register a protest. I sit in the Senate Business Committee (SBC) and you chair it. There is a reason why we order business in a certain manner. I have been here ready to reply to the Prompt Payment Bill, which is the next Order, but another Senator came in and said that their Order, Order No. 20, should come earlier. It is not right because we are here and there is an order of business.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Order, Senator! You are now---

**Sen. Sakaja:** There is no business that is more important than any other business.

**The Deputy Speaker** (Sen. (Prof.) Kamar): You are now going in the wrong direction. You say that there is a Senator who said that their business is more important than yours. I want to assure you that there is none. The reorganization was done by the same members of the SBC.

**Sen. Sakaja:** I am a Member of the SBC.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Yes. That is why I am saying that you need to consult your Whips, because when we are seated here, we only listen to the Whips and the members of SBC. I would like you to rest it at that. You will discuss it with the SBC.

**Sen. Sakaja:** Madam Deputy Speaker, when our business is scheduled, we do not consult the Whip when you know that your business is coming up. They should consult us when they want to skip our business.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you. That is why I am saying please do not---

**Sen. Sakaja:** How do you know when they want to skip our business?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Do not blame the Chair on that one. Just blame the SBC.

**Sen. Sakaja:** I am a Member of the SBC.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Madzayo.

**Sen. Madzayo:** Bi. Naibu Spika, ninaona kuwa unamjibu na kumweleza ndugu yangu, Sen. Sakaja, sawa sawa. Wakati nilipokuwa ninazungumza juu ya wafugaji, niliongea kwa heshima. Lakini kwa sababu ulikuwa unakata kuninyamazisha, ulisimama. Sasa ninaona umejibizana na Sen. Sakaja vizuri hadi mumeelewana ilhali hukukubali kuelewana na mimi nilipokuwa ninazungumza juu ya wafugaji wa mifugo, na wafugaji wa mifugo wanaojulikana Kenya nzima ni Wamaasai---

Bi. Naibu Spika, hii ni kwa heshima. Nilipotaja hivyo, ulisimama. Nilikuhihi nikakuambia kama nilikukosea kutaja hili jina la "Maasai," basi uketi ili niweze kuendelea. Nilisema nitatumia jina "mfugaji". Hivyo ingekuwa vizuri, kwa maana tungekuwa tumeelewana. Sasa wewe uliposimama ulifanya mimi niketi.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senator, why are taking us back to one hour ago?

**Sen. Madzayo:** Ni kwa sababu nimesikitika. Umempatia Sen. Sakaja nafasi nzuri ya kujieleza, ilhali hukunipatia nafasi nzuri ya kujieleza.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you. Can we move to the next Order, please?

## COMMITTEE OF THE WHOLE

*(Order for the Committee Read)*

*[The Deputy Speaker (Sen. (Prof.) Kamar) left the Chair]*

### IN THE COMMITTEE

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

#### THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)

**The Temporary Chairperson** (Sen. Nyamunga): Hon. Senators, we are on the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020).

#### *Clause 2*

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

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

#### *Clause 3*

**The Temporary Chairperson** (Sen. Nyamunga): Sen. Ndwiga.

**Sen. Ndwiga:** Madam Temporary Chairperson, I propose-

THAT the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause-

Amendment of  
Section 23 of No.47 of  
2013

3. Section 23 of the principal Act is amended-
- (a) in subsection(2) by inserting the words “and one of whom shall be nominated by the council of county governors” immediately after the words “wildlife conservancy body” appearing in paragraph (e); and
  - (b) in subsection(4) by inserting the following new paragraph immediately after paragraph (f)-
  - (fa) provide support to local communities negatively affected by activities undertaken with respect to wildlife conservation and management;

*(Question of the amendment proposed)*

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

*Clauses 4, 5, 6, and 7*

*(Question that Clauses 4, 5, 6 and 7 be part of the Bill proposed)*

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

*The Title and Clause 1*

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

**The Temporary Chairperson** (Sen. Nyamunga): The Division will be at the end.  
Can the Mover report progress?

**Sen. Mwaruma:** Madam Temporary Chairperson, pursuant to Standing Order No.148 I beg to move that the Committee of the Whole do report progress on its consideration of the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020) and seek leave to sit again tomorrow.

I thank you.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Sen. Nyamunga): Hon. Senators, the next Bill is the Community Health Services Bill (Senate Bills No. 34 of 2020).

THE COMMUNITY HEALTH SERVICES BILL  
(SENATE BILLS NO. 34 OF 2020).

*Clause 3*

**Sen. (Dr.) Zani:** Madam Temporary Speaker, I beg to move-  
That, Clause 3 be part of the Bill.

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

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

*Clause 4*

**Sen. (Dr.) Zani:** Madam Temporary Speaker, I beg to move-  
THAT, Clause 4 be part of the Bill.

*(Question that Clause 4 be part of the Bill proposed)*

**Sen. Olekina:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 4 of the Bill be amended in paragraph (e) by inserting the words “in a format and using technology that enables access by persons with disabilities” immediately after the words “to information”.

*(Question of the amendment proposed)*

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

*Clause 5*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 5 be part of the Bill.

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

**Sen. Olekina:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 5 of the Bill be amended in a paragraph (a) by inserting the following sub-paragraph immediately after paragraph (iii) —  
(iiia) implementation of community and family-based care and support systems for persons with mental health illness;

*(Question of the amendment proposed)*

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

*Clause 6*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 6 be part of the Bill.

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

**Sen. Olekina:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 6 of the Bill be amended—  
(a) in sub-clause (1) by inserting the words “including community and family-based care and support for persons with mental illness” immediately after the words “community health services” appearing in paragraph (e); and  
(b) in sub-clause (2) by inserting the words “including community and family-based care and support for persons with mental illness” immediately after the words “community health services” appearing in paragraph (b).

*(Question of the amendment proposed)*

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

*Clause 7*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 7 be part of the Bill.

*(Question that Clause 7 be part of the Bill proposed)*

*Clause 8*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 8 be part of the Bill.

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

**Sen. Olekina:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 8 of the Bill be amended in sub-clause (1) by deleting  
paragraph (c) and substituting therefor the following new paragraph —  
(c) develop strategies for the effective and efficient delivery of community health  
services, including community and family-based care and support for persons  
with mental illness at the community level;

*(Question of the amendment proposed)*

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

*Clause 9*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move-  
That Clause 9 be part of the Bill.

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

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

*Clause 10*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 10 be part of the Bill.

*(Question that Clause 10 be part of the Bill proposed)*

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

*Clause 11*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 11 be part of the Bill.

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

**Sen. Olekina:** Madam Temporary Chairperson, I beg to move-  
THAT clause 11 of the Bill be amended in sub-clause (2) by inserting the  
following new paragraph immediately after paragraph (d) —

(da) monitor the rehabilitation and integration of persons with a mental illness  
into the community.

*(Question of the amendment proposed)*

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

*Clauses 12,13,14,15,16,17,18 and19*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move-  
THAT Clauses 12,13,14,15,16,17,18 and19 be part of the Bill.

*(Question that Clause 12-19 be part of the Bill proposed)*

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

*Clause 2, The Title and Clause 1*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 2, the Title and Clause 1 be part of the Bill.

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

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

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, pursuant to Standing  
Order No. 148, I beg to move that the Committee of the Whole do report to the  
House its consideration of the Community Health Services (Senate Bills No. 34 of  
2020) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

THE PARLIAMENTARY POWERS AND PRIVILEGES  
(AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2020)

**The Temporary Chairperson** (Sen. Nyamunga): Honorable Senators, we are on the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 33 of 2020). Sen. (Dr.) Zani, proceed.

*Clause 2*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I move that Clause 2 be part of the Bill.

*(Question that Clause 2 be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Nyamunga): Chairperson, proceed.

**Sen. Mutula Kilonzo Jnr.:** Madam Temporary Chairperson, on behalf of the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, I hereby move-

THAT Clause 2 of the Bill be amended in the proposed new section 23B by deleting subsection (2) and substituting therefor the following new subsection—

(2) The responsible officer shall submit a status report to the relevant Committee within sixty days from the date the resolution is conveyed or within such period as shall be specified by a resolution of the House.

*(Question of the amendment proposed)*

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

*Clauses 3 and 4*

**The Temporary Chairperson** (Sen. Nyamunga): Mover, Sen. (Dr.) Zani, proceed.

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I move that Clauses 3 and 4 be part of the Bill.

*(Question that Clauses 3 and 4 be part of  
the Bill proposed)*

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

*The Title and Clause 1*

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

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

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, pursuant to Standing Order No. 148, I beg to move that the Committee of the Whole do report to the House its consideration of the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No.33 of 2020) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

THE NATIONAL FLAG, EMBLEMS AND NAMES  
(AMENDMENT) BILL (SENATE BILLS NO. 36 OF 2020)

**The Temporary Chairperson** (Sen. Nyamunga): Honorable Senators, we are on the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.36 of 2020). I call upon the Mover.

*Clauses 2 and 3*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move:  
THAT Clauses 2 and 3 be part of the Bill.

*(Question that Clauses 2 and 3 be part  
of the Bill proposed)*

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

*The Title and Clause 1*

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move:  
THAT the Title and Clause 1 be part of the Bill.

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

**The Temporary Chairperson** (Sen. Nyamunga): Division at the end. The Mover to report.

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, I beg to move that the Committee do report to the House its consideration of the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.36 of 2020) and its approval thereof with amendments.

**The Temporary Chairperson** (Sen. Nyamunga): Senator, I think you are on the wrong one. That is not the correct one. Can she be guided, please?

**Sen. (Dr.) Zani:** Madam Temporary Chairperson, pursuant to Standing Order No. 148, I beg to move that the Committee of the Whole do report progress on its consideration on the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.36 of 2020) and seek leave to sit again tomorrow.



*(Question proposed)*

*(Question put and agreed to)*

THE COFFEE BILL  
(SENATE BILLS NO. 22 OF 2020)

**The Temporary Chairperson** (Sen. Nyamunga): Senators, we are on the Coffee Bill (Senate Bills No. 22 of 2020). The Chairperson, proceed.

*Clauses 3, 4 and 5*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move that Clauses 3-5 be part of the Bill.

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

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

*Clause 6*

**The Temporary Chairperson** (Sen. Nyamunga): Chairperson, proceed. It is okay.

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move-

THAT Clause 6 of the Bill be amended by-

- (a) deleting the words “two persons” appearing at the beginning of paragraph (g) and substituting therefor the words “one person”.
- (b) inserting the following new paragraph immediately after paragraph (g)-
  - (ga) one person nominated by the cooperative society representing the largest number of small-scale coffee associations in Kenya.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Nyamunga): Division at the end. Chairperson, proceed.

*Clauses 7, 8 and 9*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move: THAT, Clauses 7, 8 and 9 be part of the Bill.

*(Question that Clauses 7, 8 and 9 be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Nyamunga): Division at the end. Next.

*Clause 10*

- Sen. Ndwiga:** Madam Temporary Chairperson, I move-  
THAT Clause 10 of the Bill be amended in sub clause (1) by-
- (a) inserting the words “funding models” immediately after the words “implementation of strategies” in paragraph (d);
  - (b) deleting paragraph (f) and substituting therefor the following new paragraph-
    - (f) conduct national and international coffee market intelligence and surveys to inform promotional and branding strategies including the application of the Kenya Coffee Mark of Origin;
  - (c) deleting paragraph (h) and substituting therefor the following new paragraph-
    - (g) develop and implement a framework for the capacity building of players in the coffee industry;
  - (d) deleting paragraph (l);
  - (e) inserting the following new paragraphs immediately after paragraph (l)-
    - (m) undertake technology transfer and provide technical assistance to county governments on matters relating to coffee;
    - (n) conduct surveillance and enforce compliance with relevant policies, standards and legislation on the coffee sector;
    - (o) co-ordinate inter-agency representation in international coffee fora to promote increased market share of Kenyan coffee.
    - (p) arbitrate over disputes arising between parties registered or licensed by the Board under this Act; and
    - (q) carry out such other functions as may be assigned by the Cabinet Secretary or conferred under any other law.

*(Question of the amendment proposed)*

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

*Clause 11, 12, 13, 14, 15 and 16*

*(Question, that Clauses 11, 12, 13, 14, 15  
and 16 be part of the Bill, proposed)*

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

*Clause 17*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move: -  
THAT, the Bill be amended by deleting Clause 17.

*(Question of the amendment proposed)*

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

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

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

Division will be at the end.

*Clause 23*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 23 of Bill be amended in sub-clause (1) by—

- (a) deleting the word “Each” appearing at the beginning of the introductory clause and substituting therefor the word “A”;
- (b) deleting paragraph (e) and substituting therefor the following new paragraph—
  - (e) offer and co-ordinate the delivery of extension services on sustainable production primary processing of coffee and climate smart agriculture;
- (c) inserting the following new paragraph immediately after paragraph (f) —
  - (fa) regulate the movement of coffee through the issuance of movement permits for *buni*, parchment and clean coffee within the county and from the county to warehouses situated outside the county.

*(Question of the amendment proposed)*

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

*Clause 24*

*(Question, that Clause 24 be part of the Bill, proposed)*

Division will be at the end.

*Clause 25*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 25 of the Bill be amended in subclause (2) by deleting the word “from” appearing immediately after the words “in the prescribed” and substituting therefor the word “form”.

*(Question of the amendment proposed)*

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

*Clause 26*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 26 of the Bill be amended in—

- (a) sub-clause (1) by inserting the words “miller, coffee roaster,” immediately after the words “nursery operator”;
- (b) sub-clause (4) by inserting the words “miller, coffee roaster,” immediately after the words “nursery operator” in paragraph (a).

*(Question of the amendment proposed)*

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

*Clause 27*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT Clause 27 of the Bill be amended by inserting the following new subclause immediately after subclause (8) —

(8A) The holder of a coffee buyer’s licence or an entity associated with a holder of the licence shall not carry on the business of a commercial miller, broker, roaster, agent or warehouse operator.

(8B) A buyer’s licence shall not be construed as authorizing a person to engage in direct sale of coffee or coffee products.

(8C) A holder of a commercial miller’s licence or any other entity associated with such holder shall not carry on the business of a buyer, broker, roaster, or agent.

(8D) A licensing authority shall not issue a licence to a person whose effect would result in in the contravention of subsection (8A), (8B) or (8C).

*(Question of the amendment proposed)*

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

*Clauses 28, 29, 30 and 31*

*(Question, that Clauses 28, 29, 30 and 31 be  
part of the Bill, proposed)*

Division will be at the end.

*Clause 32*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 32 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a) —

(aa) monies received from the levy imposed on coffee sales pursuant to section 32A.

*(Question of the amendment proposed)*

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

*Clause 33, 34, 35, 36, 37, 38 and 39*

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

Division will be at the end.

*Clause 40*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 40 of the Bill be amended in—

(a) sub-clause (1) by—

(i) inserting the word “estate” immediately after the word “one person representing” in paragraph (f);

(ii) inserting the following new paragraph immediately after paragraph (f)— (fa) one person representing small scale coffee growers nominated by the Council of County Governors;

(b) subclause (2) by inserting expression “(fa)” immediately after the words “under subsection (1)(f)”.

*(Question of the amendment proposed)*

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

*Clause 41*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 41 of the Bill be amended by inserting the expression “(fa)” immediately after the words “under section (1)(f)”.

*(Question of the amendment proposed)*

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

*Clause 42*

*(Question, that Clause 42 be part of the Bill, proposed)*

Division will be at the end.

*Clause 43*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 43 of the Bill be amended in—

(a) subclause (1) by inserting the words “and new coffee varieties” immediately after the words “in coffee diseases” in paragraph (b);

(b) subclause (2) by —

(a) inserting the words “demand driven participatory” immediately after the words “and long-term” in paragraph (b)”;

(b) inserting the following new paragraph immediately after paragraph (d)

— (da) undertake the propagation of quality coffee planting materials and supervision of registered nursery operators;

(c) deleting paragraph (e) and substituting therefor the following new paragraph— (e) provide competitive grants to research institutes and persons desirous of carrying our research and training programs which address value chain priorities and are consistent with the national research priorities and plans of the institute;

(d) inserting the following new paragraphs immediately after paragraph

(k)—

(ka) be the lead scientific agency in coffee breeding for the development of a climate resilient coffee crop and coffee that is resistant to diseases and pests;

(kb) develop technologies and practices for adoption along the production, processing and value chain that contribute towards climate change adaption, resilience and mitigation;

(kc) be the custodian of the Kenyan Coffee Genome and the primary instrument for making modern genomics resources available to researchers working across the coffee production chain;

(kd) provide and facilitate access to timely scientific information in a useable format and advisory services to actors in the coffee production chain;

(ke) conduct market research and analysis and disseminate information on its findings to relevant stakeholders; and

(e) deleting the word “Board” appearing after the words “functions as the” and substituting therefor the words “board of the Institute” in paragraph (l).

*(Question of the amendment proposed)*

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

*Clauses 44, 45, 46, 47, 48, 49, 50, 51 and 52*

*(Question, that Clauses 44, 45, 46, 47, 48, 49, 50, 51 and 52 be part of the Bill, proposed)*

Division will be at the end.

*Clause 53*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 53 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) one percent of monies collected from the sale of coffee pursuant to section 32A of this Act.

*(Question of the amendment proposed)*

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

*Clauses 54, 55, 56, 57, 58 and 59*

*(Question, that Clauses 54, 55, 56, 57, 58 and 59  
be part of the Bill, proposed)*

Division will be at the end.

*Clause 60*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 60 of the Bill be amended by deleting the words “a court of competent jurisdiction” appearing immediately after the words “appeal to a” in subclause (2) and substituting therefor the words “the High Court”.

*(Question of the amendment proposed)*

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

*Clauses 61, 62, 63, 64 and 65*

*(Question, that Clauses 61, 62, 63, 64  
and 65 be part of the Bill, proposed)*

Division will be at the end.

*Clause 66*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 66 the Bill be amended in subclause (2) by—

- (a) inserting the words “permits, the notification to the direct settlement system provider,” immediately after the words “for registration, licencing” in paragraph (b);
- (b) inserting the words “or levy” immediately after the words “any fee” in paragraph (d);
- (c) inserting the words “and enforcement” immediately after the words “the regulation” in paragraph (e) ;
- (d) inserting the following new paragraphs immediately after paragraph (e) —
  - (f) the process of nomination of members to the Board; (g) the conditions for the issuance of certificates, licenses and permits under this Act;
  - (h) the trade, storage, bulking, packing and roasting of coffee;
  - (i) the regulation of nursery operations, pulping, milling, warehousing and transportation of coffee;
  - (j) the grading and classification of coffee; and
  - (k) the imposition of costs charged by service providers along the value chain and payment of coffee sales proceeds to growers and their service providers.

*(Question of the amendment proposed)*

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

*Clauses 67, 68, 69, 70, 71, 72, 73 and 74*

*(Question, that Clauses 67, 68, 69, 70, 71, 72, 73 and 74 be part of the Bill, proposed)*

Division will be at the end.

*New Clause 2A*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after clause 2—

objects

CLAUSE 2A

2A. The objects of this Act are to —

- (a) promote a globally competitive coffee industry;
- (b) provide a framework for the registration and licensing of various players within the coffee sector;
- (c) delineate the roles of the National and County Governments in the regulation, development and promotion of the coffee sector;
- (d) promote the vertical integration of the coffee value chain for the purpose of achieving economies of scale and managing risk;
- (e) promote evidence-based coffee research and the delivery of extension services for the development of the coffee sector;



- (f) provide a framework for –
  - (i) the establishment of a coffee development levy; and
  - (ii) the sustainable funding of the coffee sector; and
- (g) provide a mechanism for dispute resolution within the coffee sector.

*(Question of New Clause 2A proposed)*

*(New Clause 2A read the First Time)*

*(Question, that New Clause 2A be read a Second Time, proposed)*

*(Question, that New Clause 2A be part of the Bill, proposed)*

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

*New Clause 27A*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following New Clause immediately after Clause 27—

CLAUSE 27A

27A. The following licences shall be issued by the Authority under the Capital Markets Act—

Licences issued by the Authority

Cap.484A

- (a) coffee exchange licence authorising a person to conduct the business of a coffee exchange;
- (b) a broker's licence authorising a person to offer clean coffee for sale at an exchange on behalf of the grower.

*(Question of New Clause 27A proposed)*

*(New Clause 27A read the First Time)*

*(Question, that New Clause 27A be read a Second Time, proposed)*

*(Question, that New Clause 27A be part of the Bill, proposed)*

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

*New Clause 27B*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new Clauses immediately after New Clause 27A—

27B. (1) A person shall not operate as a cupping laboratory, liquorer, coffee buyer, coffee importer, agent or warehouse operator unless the person is licensed or issued a registration certificate or a permit by the Board upon satisfaction of the prescribed conditions.

Requirements for certificates,  
licences and permit

(2) A person shall not conduct the business of a coffee exchange or offer brokerage services at the exchange unless that person is licensed by the Authority in accordance with the provisions of the Capital Markets Act.

(3) A person who contravenes the provision of this section commits an offence and be liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years or both.

Cap 485A

*(Question of New Clause 27B proposed)*

*(New Clause 27B read the First Time)*

*(Question, that New Clause 27B be  
read a Second Time, proposed)*

*(Question, that New Clause 27B  
be part of the Bill, proposed)*

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

*New Clause 27C*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new Clauses immediately after new Clause 27B—

27C. A licence holder shall act in the best interest of coffee growers and adhere to prescribed conditions for the issuance of a licence and contractual obligations. Obligations of license holders

*(Question of New Clause 27C proposed)*

*(New Clause 27C read the First Time)*

*(Question, that New Clause 27C be read a Second Time, proposed)*

*(Question, that New Clause 27C be part of the Bill, proposed)*

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

*New Clause 27D*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new Clauses immediately after new Clause 27C—

27D. A licence holder provider shall submit monthly returns to the relevant licensing authority in prescribed form. Returns

*(Question of New Clause 27D proposed)*

*(New Clause 27D read the First Time)*

*(Question, that New Clause 27D be read a Second Time, proposed)*

*(Question, that New Clause 27D be part of the Bill, proposed)*

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

*Clause 27E*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new Clauses immediately after new Clause 27D—

27E. (1) A person shall not transport clean coffee unless such person –

Movement permits

(a) holds a licence issued pursuant to section 27 of this Act; and

(b) has applied for, and obtained a movement permit issued, in the case

of—

(i) *buni* and parchment, by the respective county of origin;

(ii) movement of clean coffee from the coffee mills to the warehouses, by the respective county government; and

(iii) movement of clean coffee by buyers upon purchase, movement of purchased clean coffee to warehouses by millers, or movement of clean coffee for export or import, by the Board.

(2) A coffee movement permit issued under subsection (1) shall be in the prescribed form. (3) Sub-section (1)(b)(i) shall not apply to a smallholder

moving cherry coffee produced by the smallholder between the farm and the pulping station where he or she is registered.

- (4) A person transporting coffee under subsection (1) shall –
- (a) have, in his or her possession at the time of transporting the coffee, the original movement permit issued by the respective licensing authority; and
  - (b) ensure that the vessel used to transport the coffee conforms to the prescribed coffee standards.
- (5) The respective county executive committee member shall monitor the movement of cherry and parchment coffee between farms and stores and the movement of clean coffee and hulled *buni* to the market and shall, for this purpose –
- (a) prescribe, in county legislation, guidelines for the safe movement of cherry and parchment coffee; and
  - (b) put in place measures to curb illegal dealings in coffee or coffee products.
- (6) A person who moves coffee contrary to this Act commits an offence.

*(Question of New Clause 27E proposed)*

*(New Clause 27E read the First Time)*

*(Question, that New Clause 27E be read a Second Time, proposed)*

*(Question, that New Clause 27E be part of the Bill, proposed)*

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

*New Clause 30A*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new clause immediately after clause 30—

30A. (1) Each county executive committee member shall submit to the Board, at the end of each month or within such timelines as may be agreed upon with the Board, a report on the registered and licensed coffee growers and dealers within the respective county.

Submission of reports

(2) The Board shall submit to the respective county executive committee member a report on the registered and licensed dealers and other service providers within the respective county at the end of each month or within such timelines as may be agreed upon with the respective county executive committee member.

*(Question of New Clause 30A proposed)*

*(New Clause 30A read the First Time)*

*(Question, that New Clause 30A be read a Second Time, proposed)*

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

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

*New Heading*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new heading immediately after Clause 31—

PART IVA— PRODUCTION AND PROCESSING

*(Question of the amendment proposed)*

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

*New Clause 31A*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new clauses immediately after Clause 31—

CLAUSE 31A

31A (1) The Institute shall—

Coffee production

(a) disseminate, in collaboration with the county governments, coffee production and processing technologies;

(b) undertake the propagation of coffee planting materials;

(c) supervise, in collaboration with the county governments, nursery operators undertaking the business of propagating planting materials;

(d) issue certified coffee seeds or seedlings for multiplication in coffee nurseries to coffee growers or for export;

(e) map out areas suitable for coffee production in Kenya; and

(f) undertake capacity building for the county governments and other players on coffee

(2) The respective county executive committee members shall undertake soil mapping and analysis to determine nutritional requirements for coffee production.

*(Question of New Clause 31A proposed)*

*(New Clause 31A read the First Time)*

*(Question, that New Clause 31A be read a Second Time, proposed)*

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

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

*New Clause 31B*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new clauses immediately after Clause 31—

31B. (1) A person shall not import coffee planting materials coffee unless such a person been registered by the Board.

Importation of coffee  
planting materials.

(2) The Board may, upon application and in collaboration with the Kenya Plant Health Inspectorate Service and any other relevant agency, register a person to import coffee planting material for nursery establishment subject to the prescribed conditions.

*(Question of New Clause 31B proposed)*

*(New Clause 31B read the First Time)*

*(Question, that New Clause 31B be read a Second Time, proposed)*

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

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

*New Clause 31C*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new clause immediately after Clause 31—

31C. (1) The Institute shall, in collaboration with the respective county executive committee member, undertake analysis of the farm inputs to ascertain compliance with the prescribed standards. Farm inputs

(2) The respective county executive committee member shall establish such farm inputs schemes as may be necessary to enhance coffee production.

(3) The National Government, in collaboration council of county governors, may put in place the infrastructure necessary for the production and availability of quality farm inputs for coffee production;

(4) The county executive committee members shall monitor and oversee the implementation and compliance with standards by farm input stockists.

*(Question of New Clause 31C proposed)*

*(New Clause 31C read the First Time)*

*(Question, that New Clause 31C be read a Second Time, proposed)*

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

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

*New Clause 31D*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by inserting the following new clause immediately after Clause 31—

31D. (1) A co-operative society comprising coffee growers shall keep and maintain a register of coffee growers and planting, uprooting the number of coffee trees planted or uprooted by each of coffee or change of its members in the prescribed form.

Notification after planting, uprooting coffee  
or change of details of farm estate

(2) A co-operative society shall submit to the respective estate. county executive committee member, annually, a record of the information maintained by the society under subsection (1).

(3) Each county executive committee member shall keep and maintain a record, in the prescribed form, of the area under coffee cultivation and information regarding uprooted coffee in the county.

(4) The county executive committee member shall submit to the Board, annually, the record kept under subsection (3).

*(Question of New Clause 31D proposed)*

*(New Clause 31D read the First Time)*

*(Question, that New Clause 31D be read a Second Time, proposed)*

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

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

*New Clause 31E*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move-  
THAT the Bill be amended by inserting the following new clauses immediately after Clause 31—

31E. (1) The Board shall register certification schemes to monitor compliance with the coffee standards. Certification of Kenya coffee

(2) A coffee grower, miller or any other player in the coffee value chain may seek certification by the respective licencing authority to ensure the quality of coffee, the quality of service and secure market confidence.

(3) The Board shall keep and maintain a register of certification scheme operators in each county.

(4) The Board shall, for the purpose of subsection (2), -

(a) keep and maintain a register of certified scheme operators; and

(b) submit, a copy of the register to the respective county executive committee member.

(5) Each county executive committee member shall monitor the operations of certification schemes and periodically advise the coffee growers within the respective county and the Board on best practice and performance of a scheme.

(6) A certification scheme under subsection (1) shall provide the particulars of certification services, competencies of their scheme operators and the benefits of the certification schemes to coffee growers.

(7) Certified coffee shall be identified and labelled according to the respective certification scheme for traceability and marketing.

(8) A miller shall, in the case of certified coffee, specify information relating to the certified coffee in the sales catalogue maintained by the miller.

(9) A coffee miller shall, before offering the coffee for sale in the exchange, provide proof of certification.

*(Question of New Clause 31E proposed)*

*(New Clause 31E read the First Time)*

*(Question, that New Clause 31E be read a Second Time, proposed)*



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

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

*New Clause 31F*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move-  
THAT the Bill be amended by inserting the following new clause immediately  
after Clause 31—

31F. The processing of coffee shall be carried out at designated, standard  
approved facilities and in accordance with the National Standards and Industry Code of  
Practice.

Requirements relating to coffee processing.

*(Question of New Clause 31F proposed)*

*(New Clause 31F read the First Time)*

*(Question, that New Clause 31F be  
read a Second Time, proposed)*

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

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

*New Clause 31G*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move-  
THAT the Bill be amended by inserting the following new clause immediately  
after Clause 31—

31G. (1) The Board shall establish a coffee traceability system in the prescribed  
form.

Requirements relating to coffee  
traceability and disclosures.

(2) A person who operates a pulping station or coffee traceability mill shall  
comply with prescribed traceability system disclosures established by the Board  
under subsection (1).

(3) A cooperative society shall, in imposing a fee to its growers,  
adhere to the society's budget and not exceed ten percent of  
the gross earnings from the coffee sales.

(4) Every contract for milling of coffee shall be in writing and  
shall contain such information as may be prescribed.

(5) A commercial miller shall –

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

*(Question of New Clause 31G proposed)*

*(New Clause 31G read the First Time)*

*(Question, that New Clause 31G be read a Second Time, proposed)*

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

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

*New Clause 31H*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by inserting the following new clause immediately after Clause 31—

31H. (1) A coffee miller may bulk parchment (1) or buni coffee of the same quality and characteristics in order to attain millable quantities.

(2) A coffee miller who bulks coffee shall avail information, in the prescribed form, to an exchange and the direct settlement system provider on the proportions of the bulked coffees for purposes of processing payments.

(3) The Board and the respective county executive committee member shall, separately or jointly undertake regular inspections to ensure compliance with this Act by the coffee millers.

(4) A coffee grower may deliver coffee samples not exceeding five hundred grams of parchment or *buni* for independent quality analysis by a laboratory before delivery to a commercial coffee miller. Bulking of coffee

(5) A laboratory to which a sample is submitted under subsection (4) shall issue to the coffee grower a report on quality compliance in the prescribed form.

(6) A coffee miller shall remit two hundred grams samples for each grade of an out-turn to the Board for quality analysis and assessment of conformity with coffee standards.

(7) A co-operative society or association comprising smallholder growers that intends to obtain milling services shall competitively procure the services of a miller or other service providers to whom the coffee is intended to be delivered for milling.

(8) Any charges imposed for the delivery of services to a coffee grower shall be communicated in the prescribed form to the direct settlement system provider before the sale of coffee for the purpose of settlement after the sale has been conducted.

*(Question of New Clause 31H proposed)*

*(New Clause 31H read the First Time)*

*(Question, that New Clause 31H be read a Second Time, proposed)*

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

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

*New Heading*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new heading immediately after the proposed New Clause 31H—

PART IVB—COFFEE TRADING AND MARKETING

*(Question of New Heading proposed)*

*(New Heading read the First Time)*

*(Question, that New Heading be read a Second Time, proposed)*

*(Question, that New Heading be part of the Bill, proposed)*

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

*New Clause 31I*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new clauses immediately after the proposed New Clause 31H—

31I. (1) Kenya Coffee may be offered for sale through— Coffee trading.

(a) auction in the Exchange;

(b) direct sales; or

- (c) such other method as the Cabinet Secretary may prescribe.
- (2) A buyer, a roaster, or a grower miller licensed by the relevant licensing authority, or a broker appointed by the grower, may trade at an exchange in accordance with this Act and any other law governing trade in an exchange.

*(Question of New Clause 31I proposed)*

*(New Clause 31I read the First Time)*

*(Question, that New Clause 31I be read a Second Time, proposed)*

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

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

*New Clause 31J*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move—

THAT the Bill be amended by inserting the following new clauses immediately after the proposed New Clause 31H—

31J. (1) A licensed coffee grower may undertake, in the prescribed manner, a direct sale in coffee and may, for this purpose, sell own clean coffee to a licensed roaster for local value addition and sale.

International and local

direct coffee sales.

- (2) The price at which a licensed coffee grower offers coffee for sale under subsection (1) shall bear a favorable comparison to the price at an exchange.
- (3) A licensed coffee grower and a licensed roaster shall submit monthly returns to the Board, in the prescribed form, on sales undertaken under subsection (1) including—
- (a) a copy of the contract;
  - (b) the coffee grade;
  - (c) the coffee quantity;
  - (d) the coffee price;
  - (e) details of a certification scheme, where applicable;
  - (f) quality report;
  - (g) mode of payment; and
  - (h) a dispute resolution clause.

*(Question of New Clause 31J proposed)*

*(New Clause 31J read the First Time)*

*(Question, that New Clause 31J be read a Second Time, proposed)*

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

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

*New Clause 31K*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by inserting the following new clause immediately after the proposed New Clause 31H—

31K. (1) There is established a body to be known as Nairobi Coffee Exchange for purposes of coffee of trading.

Establishment and functions of  
Nairobi coffee exchange

(2) The Nairobi Coffee Exchange shall be a body corporate, Exchange. registered under the Companies Act.

(3) The functions of the Exchange shall be to –

- (a) manage the auction floor, the central sample room, No.17 of 2015 the information registry and the direct settlement system;
- (b) maintain records relating to coffee sales, coffee samples and sweepings;
- (c) avail sales catalogues to interested parties in accordance with the Capital Markets Act; and
- (d) carry out such other function as the Cabinet Secretary may prescribe.

(4) The proceeds of the sale of coffee at the Exchange shall be deposited in a direct settlement system established in accordance with the Capital Markets Act. Cap 484A

*(Question of New Clause 31K proposed)*

*(New Clause 31K read the First Time)*

*(Question, that New Clause 31K be read a Second Time, proposed)*

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

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

*New Clause 31L*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by inserting the following new clauses immediately after the proposed New Clause 31H—

31L. (1) A broker or agent appointed by growers and other service providers shall not receive coffee sale proceeds on behalf of the growers.

(2) A coffee warrant or a warehouse receipt issued by a warehouse operator to a depositor of coffee shall be transferable to a new holder who has purchased the coffee and is entitled to take its delivery upon presentation of the coffee warrant or the warehouse receipt endorsed the exchange and by the exchange to the warehouse operator.

Management of the exchange and  
settlement of coffee sales proceeds

(3) The Exchange shall disseminate market information for every auction and an analysis of performance on weekly and monthly basis.

(4) A person who contravenes the provisions of this section commits an offence.

*(Question of New Clause 31L proposed)*

*(New Clause 31L read the First Time)*

*(Question, that New Clause 31L be  
read a Second Time, proposed)*

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

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

*New Clause 31M*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by inserting the following new clauses immediately after the proposed New Clause 31H—

31M. (1) A commercial miller or a broker appointed in consultation with the commercial miller, shall prepare a sales catalogue in consultation with the Exchange and growers, for all the coffee in a licensed warehouse in accordance to this Act.

Sales catalogue

(2) A sales catalogue shall contain information on the prompt date and such other particulars as may be prescribed under this Act.

*(Question of New Clause 31M proposed)*

*(New Clause 31M read the First Time)*

*(Question, that New Clause 31M be  
read a Second Time, proposed)*

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

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

*New Clause 31N*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by inserting the following new clauses immediately after the proposed New Clause 31H—

31N. (1) All coffee shall be stored in warehouses licensed by the respective county governments.

Coffee warehousing in  
designated warehouses.

(2) A county executive committee member shall not designate premises as a coffee warehouse unless the premises have been inspected, approved and licensed in accordance with this Act and the respective county legislation.

(3) A licensed warehouse shall conform to the standards prescribed by the Kenya Bureau of Standards.

(4) The Board and county governments shall inspect warehouses and monitor warehousing activities on a regular basis.

(5) A warehouse operator shall -

(a) insure all coffee in his or her warehouse or under his or her custody against fire, theft and other insurable risk;

(b) not remove or cause to be removed from a warehouse, coffee unless the operator has applied for, and obtained an endorsed coffee warrant or warehouse receipt as the case may be; and

(c) account for any weight or quality loss to the respective grower, agent, buyer or roaster.

(6) A person who operates a warehouse contrary to this Act commits an offence.

*(Question of New Clause 31N proposed)*

*(New Clause 31N read the First Time)*

*(Question, that New Clause 31N be  
read a Second Time, proposed)*

*(Question, that New Clause 31N*

*be part of the Bill, proposed)*

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

*New Clause 31O*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by inserting the following new clause immediately after the proposed New Clause 31H—

31O. (1) A person shall not export coffee or cause any coffee to be exported unless such person has —

Export and import of coffee

(a) applied for, and obtained, a phytosanitary certificate import of from the Kenya Plant Health Inspectorate Service; and coffee.

(b) been issued with a coffee buyer's licence, notification and registration of direct sales contracts, certificate of origin and certificate of quality by the Board.

(2) The Board shall authorize the importation of coffee through the issuance of import permits or a buyer's licence.

(3) Clean coffee imports shall be accompanied by the certificate of origin and a phytosanitary certificate issued by the country of origin and adhere to the coffee standards.

(4) Clean coffee which consists only of a sample or a parcel not exceeding twenty kilograms in weight and which meets the relevant licensing and certification requirements shall not require a buyer's license from the Board.

*(Question of New Clause 31O proposed)*

*(New Clause 31O read the First Time)*

*(Question, that New Clause 31O be read a Second Time, proposed)*

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

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

*New Clause 31P*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by inserting the following new clauses immediately after the proposed New Clause 31H—



31P. (1) A person who blends any or various grades of coffee produced in Kenya with any other coffees produced against outside Kenya shall declare the percentage of Kenyan blending.

Prohibition against blending.

(2) A person who contravenes subsection (1) commits an offence.

*(Question of New Clause 31P proposed)*

*(New Clause 31P read the First Time)*

*(Question, that New Clause 31P be read a Second Time, proposed)*

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

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

*New Clause 31Q*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by inserting the following new clause immediately after the proposed New Clause 31H—

31Q. The trading activities at an exchange shall be compliant with relevant laws that deter unfair trading and anti-competitive practices.

Anti-corruption practices.

*(Question of New Clause 31Q proposed)*

*(New Clause 31Q read the First Time)*

*(Question, that New Clause 31Q be read a Second Time, proposed)*

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

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

*New Heading*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by inserting the following new heading immediately after the proposed new clause 31Q—

## PART 1VC—QUALITY ASSURANCE

*(Question of New Heading proposed)*

*(New Heading read the First Time)*

*(Question, that New Heading be  
read a Second Time, proposed)*

*(Question, that New Heading  
be part of the Bill, proposed)*

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

*New Clause 31R*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by inserting the following new clauses immediately after the proposed new clause 31Q—

31R. (1) The Board and the respective county executive committee members shall collaborate in the enforcement of coffee industry standards along the value chain for purposes for coffee of quality assurance.

Quality assurance for coffee industry

- (2) The Board, in consultation with an accredited university of higher learning and industry stakeholders may develop a training curriculum, conduct examinations and jointly issue certificates for coffee liquorers.
- (3) The Board may enter into a memorandum of understanding with an accredited university for the training and administration of liquorers' examinations.
- (4) A person shall not offer liquoring services unless such person is certified as a liquorer has applied for, and obtained a practicing licence from the Board.
- (5) The Board shall, in collaboration with the respective county executive committee members establish cupping centers in the counties for the purpose of conducting coffee quality analysis and capacity building.
- (6) The Board shall carry out assessments on coffee quality maintenance at any premises in which the processing of coffee is carried out along the value chain.
- (7) The Board may sample coffee at any stage of the value chain to ascertain permissible pesticides residue levels for compliance with set national and international standards.
- (8) The Board, in collaboration with the respective county executive committee member shall –

- (a) monitor maintenance of pesticide spraying records by coffee growers to enforce compliance with the permissible pesticides residue levels in coffee beans; and
  - (b) inspect coffee storage bags to check against potential contamination and monitor wholesalers, suppliers, manufacturers and importers to ensure compliance with safety standards.
- (9) The Institute shall conduct periodic surveillance on the application of pesticides to ensure compliance with set standards and best practices.

*(Question of New Clause 31R proposed)*

*(New Clause 31R read the First Time)*

*(Question, that New Clause 31R be read a Second Time, proposed)*

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

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

*New Clause 31S*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by inserting the following new clauses immediately after the proposed New Clause 31H—

31S. (1) The Board and the respective county executive committee members shall, by notice in the Gazette, appoint inspectors for the enforcement of the provisions of this Act.

Inspections

(2) The Board and the respective county executive committee members may, separately or jointly, conduct inspection of coffee farms, coffee nurseries, pulping stations, coffee mills, warehouses, cupping laboratories, roasters or coffee buyers' vessels transporting coffee to monitor compliance with the requirements of this Act.

(3) A smallholder, a grower, a pulping station operator, a transporter, a miller, a warehouse operator or a buyer shall accord an inspector access and necessary assistance for effective inspection.

(4) A person who fails to accord an inspector access to premises and information commits an offence.

*(Question of New Clause 31S proposed)*

*(New Clause 31S read the First Time)*

*(Question, that New Clause 31S be  
read a Second Time, proposed)*

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

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

*New Clause 31T*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move-  
THAT the Bill be amended by inserting the following new clauses immediately  
after the proposed New Clause 31H—

31T. (1) A person importing coffee into the country shall –  
Coffee imports to conform to standards

(a) ensure that the coffee complies with the coffee standards and  
such other quality standards as may be prescribed under this Act or any other law;  
and

(b) adhere to the safety and health standards prescribed  
under this Act or any other law.

(2) The Board shall destroy coffee which does not conform to  
the coffee standards.

(3) The Board shall not destroy coffee under subsection (2)  
unless –

(a) it has issued to the importer of the coffee, notice, in the  
prescribed form, of intention to destroy the coffee;

(b) given the importer an opportunity to be heard; and

(c) obtained an order of a court of competent jurisdiction  
for the destruction of that coffee.

(4) The Board may, in addition to the action taken under  
subsection (3), suspend or cancel any licence issued to the  
importer under this Act.

*(Question of New Clause 31S proposed)*

*(New Clause 31S read the First Time)*

*(Question, that New Clause 31S be  
read a Second Time, proposed)*

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

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

*New Clause 32A*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by inserting the following new clause  
immediately after Clause 32—

**NEW CLAUSE 32A**

32A. (1) The Cabinet Secretary shall, in consultation with the Board and the Institute and by notice in the Gazette, impose a levy of two per cent on the export import value remitted by coffee buyers to the Board for the development of the coffee industry.

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

Coffee development Levy

- (a) one per cent to the Institute;
- (b) zero-point five percent to the Board for regulatory and coffee promotion purposes; and
- (c) zero-point five percent to the coffee growing County Governments for coffee development as a conditional grant.

*(Question of New Clause 32A proposed)*

*(New Clause 32A read the First Time)*

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

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

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

*New Clause 60A*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

60A. (1) The Board and each county executive committee member shall automate their operations for the efficient delivery of services and dissemination of information within the coffee sector. Digitization

- (2) In automating its processes, the Board and the county executive committee member shall ensure that—
- (a) multiple parties can access a common system;
  - (b) flow of data takes place seamlessly across the value chain without interruption;
  - (c) the system is safe and secured and protected against unauthorized access;

(d) there is in place, a mechanism that ensures access to the system is properly regulated and monitored with adequate mechanisms for continued integrity; and

(e) the records are not lost, destroyed or tampered with, and in the event of any loss or destruction, sufficient back-up is available in a secure place.

*(Question of New Clause 60A proposed)*

*(New Clause 60A read the First Time)*

*(Question, that New Clause 60A be read a Second Time, proposed)*

*(Question, that New Clause 60A be part of the Bill, proposed)  
be part of the Bill, proposed)*

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

*First Schedule*

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

*Second Schedule*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT the Second Schedule be amended -

(a) in item 8 by deleting the words “county government” appearing in the second column and substituting therefor the word “Board;

(b) by inserting the following the new items immediately after item 15—

16. Coffee exchange licence Capital Markets Authority.

17. Brokers licence Capital Markets

*(Question of the amendment proposed)*

*Clause 2*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move:

THAT Clause 2 of the Bill be amended by inserting the following definitions in their proper alphabetical sequence—

“auction” means the auction system under which clean coffee is offered for sale at a coffee exchange and includes the place at which, or a facility by means of which, whether electronic or otherwise, offers or invitations to sell, buy or exchange coffee contracts are regularly made on a centralized basis, but does not include—

(a) the office or facilities of a coffee buyer or service provider; or

(b) the office or facilities of a clearing house;

“agent” means a person registered by the Board who may be appointed by a grower for purposes of facilitation of overseas direct sales with regard to logistics;

“association” means a registered group comprised of smallholder growers, co-operative societies, societies, estates, unions, millers, buyers, roasters or brokers, licensed by a relevant licensing authority;

“broker” means a person cleared by the exchange and licensed by the Capital Markets Authority, who may be appointed by a grower or an association of growers in accordance with the Capital Markets Act, to sell their coffee on their behalf through the Exchange;

“buyer” means an incorporated company licensed by the Board to buy clean coffee at an exchange for export, local sale or value addition or to import clean coffee for secondary processing in Kenya;

“clean coffee” means coffee bean or dried seed of the coffee plant separated from non-food tissues of the coffee fruit where the silver skin is reduced to the maximum possible extent;

“clearing house” means an entity approved by the Authority, and recognized as a clearing institution on behalf of a coffee exchange, providing the services of clearing and settlement of transactions and guaranteeing settlement on behalf of the exchange;

“clearing and settlement” means the procedure by which a clearing house acts as an intermediary between a buyer and seller for exchange traded transactions in order to reconcile orders between transacting parties and ensure the physical or financial settlement of the transaction; “coffee dealer” means a person registered by the Board, a county government or the Authority to deal in coffee as provided under this Act;

“coffee milling” means mechanical hulling or de-husking of coffee and includes grading of clean coffee;

“coffee sales proceeds” means monetary consideration received at the direct settlement system in exchange for clean coffee sold at an exchange or, where applicable, through direct sales;

“coffee standards” means the Kenya Coffee Standards issued by the Kenya Bureau of Standards;

“coffee warrant” means an instrument prepared by the warehouseman of which the person named therein, or the last endorsee thereof, shall for all purposes be deemed to be the owner of the coffee to which it relates; “county executive committee member” means the county executive committee member for the time being responsible for matters relating to agriculture;

“direct sale” means a contractual arrangement between a grower, a cooperative society, society, union, grower-miller, estate or an association of coffee growers and an overseas buyer or local roaster for the sale of own clean coffee based on mutually accepted terms and conditions enforceable in law and includes settlement coffee sales proceeds through the direct settlement system on boarded by a coffee exchange;

“direct settlement system” means a banking facility provided by commercial banks regulated by the Central Bank of Kenya for clearing and settlement of coffee sales proceeds;

“estate” means an area of land or group of parcels of land under coffee not being less than five acres in size in aggregate or land under coffee which has been issued with a pulping station licence;

“licensing authority” means the Board, the Authority the county government or the Capital Market Authority as the case may be;

“liquoring” means analysis of clean coffee to determine the attributes and quality of coffee for purposes of trade;

“out-turn number” means an identifying number issued by a miller in respect of coffee delivered to a mill for purposes of traceability;

“primary processing” means the process of removal of coffee pulp from cherry, fermentation, washing and drying to the coffee standard moisture content to obtain parchment;

“prompt date” means a date specified in the sales catalogue, not being more than five working days from the date of the sale, for the payment of coffee sales proceeds by a buyer or a roaster;

“pulping station” means a specified place where primary coffee processing is undertaken;

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

“secondary processing” means parchment de-husking, polishing, grading and may include roasting, grinding and packaging of clean coffee beans;

“small holder” means a grower cultivating coffee in a small parcel of land or in small parcels of land who does not possess his own pulping station;

“sweepings” means the balance of coffee samples in an exchange sample room and spillages collected from millers’ milling activities for sale at the exchange, the proceeds of which are paid to the respective growers on pro-rata basis;

“warehouse” means a facility registered by the Board and licensed by a county government for the storage of coffee, and which is specifically designed to guarantee the quality and safety of the coffee;

“warehouse operator” means any person registered and licensed by the Board who owns, leases or is in charge of a warehouse where coffee is handled and stored for reward or profit; and

*(Question of the amendment proposed)*

*Long Title*

**Sen. Ndwiga:** Madam Temporary Chairperson, I beg to move-  
THAT the Bill be amended by deleting the long title and substituting therefor the following new long title—

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



*(Question of the amendment proposed)*

*Long Title*

**The Temporary Chairperson** (Sen. Nyamunga): Proceed, Chairperson.

**Sen. Ndwiga:** Madam Chairperson, I beg to move: -

THAT, the Long Title be amended by deleting the long title and substituting therefor the following new long title-

An Act of Parliament to provide for establishment of the Coffee Board of Kenya, and the Coffee Research Institute; to provide for the role of the National and county governments; to provide for the regulation, development and promotion of the coffee industry; and connected purposes.

*(Question of the amendment proposed)*

Division will be at the end.

*Clause 1*

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

Division will be at the end.

**The Temporary Chairperson** (Sen. Nyamunga): Proceed, Chairperson.

**Sen. Ndwiga:** Pursuant to Standing Order No.148 I move that the Committee of the Whole do report progress on its consideration of the Coffee Bill (Senate Bills No.22of 2020) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

*(The House Resumed)*

*[The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]*

**The Deputy Speaker** (Sen. (Prof.) Kamar: Hon. Senators, we will now get reports from the Committee of the Whole. Proceed, Chairperson.

## **PROGRESS REPORTED**

THE WILDLIFE CONSERVATION AND MANAGEMENT  
(AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)

**Sen. Nyamunga:** Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020) and seeks leave to sit again tomorrow.

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

**Sen. Mwaruma:** Madam Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report.

**The Deputy Speaker** (Sen. (Prof.) Kamar: Let us have a seconder.

**Sen. Olekina:** Madam Deputy Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

THE COMMUNITY HEALTH SERVICES BILL  
(SENATE BILLS NO. 34 OF 2020)

**Sen. Nyamunga:** Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered the Community Health Services Bill (Senate Bills No.34 of 2020) and seeks leave to sit again tomorrow.

**Sen. (Dr.) Zani:** Madam Deputy Speaker, I beg to move that the House do agree with the Committee on the said report and request Sen. Olekina to second.

**Sen. Olekina:** Madam Deputy Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

THE PARLIAMENTARY POWERS AND PRIVILEGES  
(AMENDMENT)BILL (SENATE BILLS NO.33 OF 2020)

**Sen. Nyamunga:** Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered the Parliamentary Powers and Privileges(Amendment)Bill (Senate Bills No.33 of 2020) and seeks leave to sit again tomorrow.

**Sen.(Dr.) Zani:** Madam Deputy Speaker, I beg to move that the House do agree with the Committee on the said report.

I request Sen. Mutula Kilonzo Jnr. to second.

**Sen. Mutula Kilonzo Jnr.:** Madam Deputy Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

THE NATIONAL FLAG, EMBLEMS AND NAMES  
(AMENDMENT)BILL (SENATE BILLS NO. 36 OF 2020)

**Sen. Nyamunga:** Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.36 of 2020) and seeks leave to sit again tomorrow.

**Sen. (Dr.) Zani:** Madam Deputy Speaker, I beg to move that the House do agree with the Committee on the said report and request Sen.(Dr.) Milgo to second.

**Sen. (Dr.) Milgo:** Madam Deputy Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. Prof.) Kamar): The last Bill is the Coffee Bill (Senate Bills No. 22 of 2020).

THE COFFEE BILL (SENATE BILLS NO. 22 OF 2020)

**Sen. Nyamunga:** Madam Deputy Speaker, I beg to report progress that the Committee has considered the Coffee Bill (Senate Bills No. 22 of 2020) and seeks leave to sit again tomorrow.

**Sen. Ndwiga:** Madam Deputy Speaker, I beg to Move that House do agree with the Committee on the same report and ask Sen. (Dr.) Milgo to second.

**Sen. (Dr.) Milgo:** Madam Deputy Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. Prof.) Kamar): Yes, Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** On a point of order, Madam Deputy Speaker. As the Senate Minority Whip, it has come to my attention that Sen. Kasanga was online for purposes for Committee of the Whole on the Mental Health Bill. However, the Order was skipped due to her absence. I do not know whether we have an opportunity of reorganizing the Order Paper, because the Mover is here, seated next to me, and Sen. Kasanga is online.

**The Deputy Speaker** (Sen. Prof.) Kamar): Sen. Mutula Kilonzo Jnr., was it processed in the Committee of the Whole?

**Sen. Mutula Kilonzo Jnr.:** Madam Deputy Speaker, it was not processed on the ground that Sen. Kasanga was absent, but we have now learnt that she was actually online. We need your direction.

**The Deputy Speaker** (Sen. Prof.) Kamar): Sen. Mutula Kilonzo Jnr., I want you in your position so that I can respond to you. Sen. Kasanga was actually consulted earlier on in the day about this Bill and she said that she was far.

**Sen. Olekina:** Madam Deputy Speaker, I have been on the phone with Sen. Kasanga. She requested me to be here. I was acting on behalf of the Chair of the Committee on Health. She requested me to come here and move it. In fact, she just called and wondered why her Bill was skipped and yet she is online.

Earlier on, we were informed that the sponsor of the Bill has to be here. There are other amendments that were not affected by the Committee, so I was only moving the

Committee amendments. It is like there were two Movers. The Chairperson of the Committee moves the Committee amendments. Sen. Kasanga is online and has been calling me throughout.

I request that we deal with that Bill so that we do not have to delay it. Otherwise, I would have actually gone and---

**The Deputy Speaker** (Sen. Prof.) Kamar): You realize that your request means that we reconvene the Committee of the Whole?

**Sen. Olekina:** That is my request, Madam Deputy Speaker.

**The Deputy Speaker** (Sen. Prof.) Kamar): Sorry, Senator. We have just received a call from Sen. Kasanga. Further consultation has just taken place and she has accepted to do it on Tuesday. It will mean that we reconvene the Committee of the Whole. Sen. Olekina, we will see you here on Tuesday, and you will finish it. Please tell your Chairperson to get well soon. We have missed him in this House for a very long time.

We are now going back to Order No. 15.

## BILLS

### *Second Reading*

#### THE PROMPT PAYMENT BILL (SENATE BILLS NO. 16 OF 2021)

*(Sen. Sakaja on 22.7.2021)*

*(Resumption of debate interrupted on 28.7.2021)*

**The Deputy Speaker** (Sen. Prof.) Kamar): Hon. Senators, I am waiting. My screen is back. Sen. Sakaja is not here. Sen. Chebeni still had 19 minutes, but for now let us go to Sen. (Dr.) Zani.

**Sen. (Dr.) Zani:** Thank you, Madam Deputy Speaker. I wish to support this Bill. This is one of the most important Bills we have ever had in the Senate because it addresses the issue of bills, procurement, services, the payment for those services and the delay therein.

You are aware that many families and households have suffered over time. They have even taken out loans and investments, they procured and gave services to our counties, and then the payment does not come on time. It is known to many of us that people have lost their houses and farms because they made these investments with the county.

Madam Deputy Speaker, you will remember that in the various arguments we have had, the key issue about pending bills has been very critical within the counties. This is a matter that is been addressed over and over again. The question is how do these bills accrue when right from the beginning, there is a budget that has been put forth and a certain amount of money that should be spent?

Secondly, the Controller of Budget should give out this money and trace how it is used. I remember even right from 2013, the issue of the Integrated Financial Management System (IFMIS) has always been a question. Time and time again, we arrive at a situation

where people who do not want to provide services to the counties anymore. I know of some cases where people were coming forth to ask how I can help them. They supplied to a school, they gave foodstuff to the county, they gave different things to a government and private entity and they were not paid.

This Bill creates the idea of interest, so that there is a penalty for the institutions or the individuals who do not pay the money on time so that there is an element of a pinch. It is not just the supplier who will suffer as a result of the delay. It means that the county will have to pay people the accrued interest and they will have to pay more bills. It seems like a punitive Bill, but I do not think it is. If you look at it as punitive from the side of those who owe the Bills---

*(Sen. Olekina and Sen. Mutula Kilonzo Jnr. consulted loudly)*

Madam Deputy Speaker, could you protect me from Sen. Olekina and Sen. Mutula Kilonzo Jnr., so that I can even hear my own thoughts and I make this presentation? I am trying to listen to myself and I cannot hear myself.

**The Deputy Speaker** (Sen. Prof.) Kamar): Please, let us pay attention to that very good contribution.

**Sen. (Dr.) Zani:** Thank you, Madam Deputy Speaker. We cannot look at it as something that is punitive specifically only from the individuals. We have to look at it as something that will be punitive and help the individuals, but at the same time help the counties.

Madam Deputy Speaker, this is a Bill that has been discussed extensively by Sen. Farhiya and Sen. Sakaja. I congratulate them for this.

Madam Deputy Speaker, as you know the counties are our issues. We are here to protect the interests of the counties. This is one of those major interests. These major interventions through this Bill addresses this issue.

This Bill provides prompt payment for the supply of goods, works and services and for the connected purposes within the specific counties.

Right through the whole Bill, it is clear that the object is to put a legal framework to facilitate prompt payment for supply of goods, works and services procured by Government entities both national and at the county.

I am happy that it is covering a broad spectrum so that we do not have a situation where one entity says that it has been covered by the Bill, but another says otherwise. This enables everybody to be all put in a situation where payment of bills as something serious.

In Clause 10, the penalty of Kshs5 million or less and up to five years imprisonment is punitive enough. Of course, the discretion is up to the judge. However, there is a penalty of Kshs5 million depending on the amounts accrued. Therefore, we expect that the penalties and accruing interests will put off people from delaying in the payment of the services that they have acquired.

The application of this Act is clear. It shall apply to the payment due to all goods, works and services procured by the national Government, county governments and private entities.

Clause 4 is the most important. It states that-

“A procurement entity shall pay a supplier by the prescribed payment date”.

Most of the times after offering services, there is no clear indication of when payment will be done. A person is told to come tomorrow or next week. So, this Bill initiates and put into motion some level of definiteness where we have the prescribed dates and the payment dates. So, this ensures that anybody who is to pay a bill has to do it on time.

Clause 4(2) is critical. A person who fails to pay this particular supply will accrue a specific interest. That interest will be charged and calculated. There is also a mechanism for engagement at various levels to ensure that these bills are paid on time.

The payment is on the basis of first come, first served.

Clause 5 provides clarity on how to deal with bills and payment that have to be done which is on first come, first served basis.

Many times, other people who have made their claims later get paid before probably because they have connections, are more assertive, are able to make their case be felt better or are louder. That is why people keep checking for each other for help to get the money. So, provision for a first come, first serve basis is important.

Clause 9 deals with declaration of pending payments. It states that-

“A person who wishes to enter into a contract for the supply, works at national or county governments shall make a declaration to the accounting officer of the entity on any pending payments owed by a small or macro enterprise”

The clarity of making this particular claim becomes clear at that Clause. That declaration shall also be made in writing. Therefore, not only do we have a definite date but also a prescription for the processes. So, in that particular declaration, details that will be given on when the outstanding payment fell due have to be put forward.

Madam Deputy Speaker, I can imagine the situation that the relevant office will be dealing with. There will be files of applications coming through. So, it is important to have clear details.

Many times when people are seeking for information or payment, sometimes the information flow is problematic. However, at Clause 9, it is clearly put.

A person will have to indicate the details of when the outstanding payment fell due, the reasons for the delay and any agreements that have been entered into by the supplier and the procuring entity. This will help the process of engagement.

Madam Deputy Speaker, I am winding up because this is a Bill that we will discuss extensively. I also want to give my colleagues time to contribute.

We should appreciate the level of target for this Bill. Prompt payment should be something that we can engage into without a problem as move away from a past where it has been difficult to have this sort of prompt payment.

Towards the end of the Bill in Clause 11, the whole idea of a Cabinet Secretary (CS) who will be making regulations to provide for better carrying out of effect of this Bill becomes critical. This is because at that level, this is an official who will have an overarching idea about how the various entities are interacting. He or she will also engage with Council of Governors (CoGs) to find out what the problem is and the relevant Committee and will call on board the various County Executive Committee (CEC) Member, if it is at the county level and at the individual level, call the relevant people.

This interaction of giving them responsibility to make regulations will help this Bill to have regulations that will help it to be easily enacted. Those mechanisms are critical. Therefore, they will put this into the fore.

During the Building Bridges Initiative (BBI) process, this is one of the Bills that stood out as Bills moving forward on how to enhance county neatness and national engagement in terms of prompt payment.

If we do not have prompt payment, then we do not have systems that can work even on a social-economic model. We cannot have a macro economic model that can work with people who are discouraged because they will not be paid on time and, therefore, there is no necessary circulation that is important to come on board.

*[The Deputy Speaker (Sen. (Prof.) Kamar) left the Chair]*

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

Sen. Sakaja has established himself as one of the Senators who come up with Bills for the Senate at the county level and the national level. Sen. Farhiya has also been so passionate about this Bill. So, when I saw it on the Order Paper, I said I will contribute to it. I wish this Bill well.

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senator, there is an interruption.

**Sen. Sakaja:** On a point of information.

**Sen. (Dr.) Zani:** I would like to be informed.

**Sen. Sakaja** Madam Temporary Speaker, I appreciate Sen. (Dr.) Zani. I just want to inform her that Oscar Wilde once said that imitation is the sincerest form of flattery.

This Bill came before BBI. In fact, when BBI was being published, we had gone to the Third Stage and then they said that part of the Bill is the Prompt Payment Bill. So, imitation is the sincerest form of flattery and it is also an accolade to the Senate. So, thank you, Sen. (Dr.) Zani.

For the record, let it be known that we did not take it from BBI, they took it from us.

**Sen. (Dr.) Zani:** Madam Temporary Speaker, I do not know why Sen. Sakaja thought I said, what he thinks he heard me say that BBI took it from them. I was clear because this came to the Senate long before. I said that it is one of the Bills that was co-opted into the BBI process like many others in bits and details to address an important issue.

For example, in the National Assembly the whole idea of ensuring that the name of the CS will revert to Ministers means having a presence in the House. This idea had already been generated at various times. So, we are all working together to enhance this. I congratulate Sen. Sakaja and Sen. Farhiya for this Bill.

As it moves to being enacted as law, we will help address an important and critical issue for the development of both the national and county governments and the country as a whole.

I support.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Mutula Kilonzo Jnr., proceed.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Madam Temporary Speaker. I rise to support this Prompt Payment Bill, 2021. I will be brief so that we can allow the Mover to reply before we rise. This Bill is good and I congratulate both Sen. Farhiya and Sen. Sakaja, but it is unfortunate. This is because we have gotten to a place where we have to get into the details of doing business in this format. It is terrible. I was among the first students to study the business studies curriculum when it was introduced sometime in the 1980s. This is not what it was meant to be. There are things that they Call Cash on Delivery (COD).

The Public Finance Management Act, that you, the Committee on Finance and I have been belabouring time and again says you cannot procure unless you have a budget. Now we are prescribing when people should be paid. It is wrong. Let me tell you what the tragedy about this is. County and national entities have made it impossible for people to get payments so that they can get handouts. Whether it is Nairobi, Makueni, Machakos, or Kisumu County, they refuse to pay so that you can go and look for them. There are cartels.

Madam Temporary Speaker, the biggest losers are young people. Young people are not interested in doing business with counties because you will be requested for a 10 per cent before you do the procurement and when you will be issued with the first certificate. By the time you are due for the third payment, they have bankrupted you. I have seen contractors in Makueni County who are saying we do not want to trade with you. If you collect money from a bank and you pay 13 per cent interest, actually it is the bank that benefits from contracts that are given to people in this country. It is not traders.

It is so unfortunate and sad that it has come to this. If a person wanted to trade and Sen. Sakaja and Sen. Farhiya have suggested this should cover national government. If somebody wanted to look at our business structure out there in the diaspora and found things like this, they would not invest. It is discouraging because we have prescribed in detail that you know you have to be paid. Your invoice is not ready, come and correct. That is wrong.

Madam Temporary Speaker, if there is one credit I would give Gov. (Prof.) Kibwana it is not having pending bills. The rest of the governors, including my friend Sen. Sakaja, who wants to be the governor of Nairobi City County will inherit pending bills. The first thing he will do is hide himself because the contractors will be on his neck. He will to have an office somewhere not in City Hall.

His friend Gov. Sonko did not have an office in Upper Hill because there was something wrong at City Hall. It is because you cannot sit there. People are on your neck. There are decrees upon decrees. There are garnishee orders upon garnishee orders on the County Government of Nairobi City. Governors are opening multiplicities of accounts because of garnishee orders. Should it not be a part of our national ethos that if somebody gives you a service, you pay?

Madam Temporary Speaker, you are a lawyer like me. You know we are actually paid before we even do the work. We request for deposits before we even see the client. That should be the ethos. While I support this Bill, and the reason why even politicians are coming up with all sorts of economics, up down, bottoms up, middle up, wide and apart, sideways and funny things. It is because of these things. You deny the young people money. You make sure they are not paid for little things.



Some gentleman has been chasing me in Nairobi here. He supplied beds at Pumwani Hospital and he has not been paid since 2014. People have committed suicide. I know of one family in Machakos County. The lady just committed suicide. It is absolutely sad that you have not prescribed penalties for people who delay people's payments. There should be penalties. Those penalties should not be borne by the people of that county. If you prescribe a penalty here like Sen. Sakaja has proposed, eventually the people of Makeni County bear the burden of the mistake and misbehaviour of credit officers.

Madam Temporary Speaker, we should find a method, Sen. Sakaja, of making sure that this is personal penalty. It is the only way. Surcharge that person's salary. Go to the Public Finance Management Act and say this is what we call a mistake so that then they do not do these things. I bother to say that these mistakes and delays are done deliberately so that *utoe kitu kidogo*. It is wrong. I hope this can become law and I hope we will get a good Government.

I pray because when you get a good Government with proper national ethos, you do not need to do this. I pray that we can have a good President who can understand what business means and deals. Somebody gives you service, pay them promptly. That is what we are looking forward to. I am praying Sen. Sakaja now that I have been seeing him with the Presidential aspirant every place. They should start talking about these things so that we can give incentives for people to borrow, get credit and do business and continue doing business.

Madam Temporary Speaker, M-Shwari is the most popular platform for people who are doing menial jobs like in Nyamakima. I do not know whether you are aware that between 3.00 a.m. and 5.00 a.m. the highest transactions happen during that hour because they are buying eggs, potatoes and vegetables to go and sell them. It becomes easier to even borrow from Safaricom. It is a very sad thing. I hope that we can help these counties.

I pray that I am elected as governor. This is because I will make sure that I do it. You do your service, when it is due, you make the payment. That is how we will translate young people. That is my dream to translate young people to quick millionaires for doing proper business. That is the only way we will make sure that young people are not taken advantage of by us the political class.

I support.

**The Temporary Speaker** (Sen. Nyamunga): Finally, Sen. Olekina, proceed.

**Sen. Olekina:** Madam Temporary Speaker, I rise to support this timely Prompt Payment Bill 2021. Let me begin by congratulating my dear brother Sen. Sakaja and my sister Sen. Farhiya for doing something to try and bring sanity into the business world. Worldwide, there are Prompt Payment Acts. I know in the US, there are different things that are prescribed in the Prompt Payment Act. What is not prescribed in the Prompt Payment Act which I think that my dear brother Sen. Sakaja ought to do it first is the issue of paying interests by a government agency that fails to pay a contractor on time.

My biggest problem with this issue of delayed payments has got to do with the trickledown effect. When a Government agency fails to pay a contractor, that contractor does not pay the subcontractor. It trickles down and affects an economy of the county or even the country.

Madam Temporary Speaker, it is sad that counties are procuring services from vendors and contractors knowing they do not have a budget. Most county and national governments are led by politicians. So, they may want to appease their people that they are actually bringing in development, when we know that they are not. What they are doing is killing the economy. It is sad. Some of these things should be made criminal.

I propose to Sen. Sakaja that he should do a first in the world. These Government entities should now start paying interest because most of us take loans from financial institutions. This is a commercial transaction, but governments are not penalized an interest. I think it is about time that just like the way Government entities charge us interest when we delay to remit our statutory deductions, that should also apply to Government agencies that do not pay contractors when payments are due.

I do not see the reason why Government agencies should continue to enjoy the monopoly where they owe you money and can choose to pay you in 10 years. We should all be uniform because they have chosen to procure a service. They have said they have money. If they do not have it, they should not be allowed to procure.

For us to be more effective and for this Bill to make sense when it becomes an Act of Parliament, I think we now need to ensure that even the Controller of Budget (CoB) and the National Treasury are part of the entire process. If you read the current Insurance Act and the Human Resource Management handbook and Articles 233 and 237, it gives the National Treasury the power to withhold money from entities that do not provide health and life insurance cover to their employees. This is mostly in the public service. Soon, I will be bringing a statement to this effect.

Madam Temporary Speaker, you find many teachers who do not have *riba* or health or life insurance. The National Treasury has the power to stop the money of an entity from being disbursed if they do not show in their budget that they have covered all their employees.

Sen. Sakaja should now look at introducing an amendment that before the CoB releases any money to county governments, they must show that they have paid 100 per cent of their Bills. I have always been on record saying there is no reason why a county government should have a pending bill. You procure and you have a budget. You cannot just come out of the blues with a budget which you do not have money to fund and proceed to procure.

County assemblies should also play their role. They should ensure that the budget they approve is equivalent to the money that either the Senate has sent to county governments or their own source revenue. To make sure this Prompt Payment Bill becomes more effective in helping the business community, the CoB and the National Treasury must also play a role to ensure that they only release money to counties that do not have pending bills.

Counties complain a lot that the National Treasury delays in releasing their funds. When they do so, they make these claims that they only have money to pay salaries. If they continue to have that as a continuous problem affecting them, then they should not procure any services. They should continue to pay salaries if the only money they are getting is for salaries.

As I support this Bill, I would like to end by saying that this will only become effective and meaningful to the citizens out there who are now languishing in poverty because Government entities have not paid for the services they have already provided. If

you introduce an element of interest, this Government should start paying interest. There is no reason why I should be penalized by the Kenya Revenue Authority (KRA) for late submission of my taxes, yet KRA should not pay me for refusing to pay me on time. Introduce an element of interest. That is the only way we can help our citizens.

Finally, I thank Sen. Sakaja again for doing the obvious. In a supermarket, you will not be given anything on credit. You pay and you are given what you have bought. If county governments are unable to ascertain what has been done, then they should introduce a draw down system where documents are exchanged. So, you do not have to know me to pay me for what you I have provided. I tendered, you awarded me the tender, I have done my job and so, everything should be electronic. Let me get my money through the bank and then I can pay my sub-contractors.

I support and I hope this becomes an Act of Parliament.

**The Temporary Speaker** (Sen. Nyamunga): Mover, Sen. Sakaja, proceed.

**Sen. Sakaja:** Madam Temporary Speaker, I did not want to interrupt Sen. Olekina. I am grateful for his submissions and those of Sen. Farhiya who moved and Sen. Were who seconded. I also thank Sen. Chebeni in absentia. She really wanted to contribute, but I think she had a matter to attend to elsewhere. I thank Sen. (Dr.) Zani, Sen. Mutula Kilonzo Jnr. and Sen. Olekina.

I would like to give Sen. (Dr.) Zani time to start moving her Bill. However, the point I did not want to bring in because of time is that we have provided for interest. Sen. Olekina will be happy to know that. Clause 4(2) says-

(2) A procuring entity who fails to pay a supplier by the prescribed payment date shall, unless otherwise agreed to and subject to sections 5 and 6, pay an interest to the supplier in accordance with this section on the amount due under the contract for the supply of goods, works, or services.”

It says a procuring entity shall pay interest for the day beginning after the prescribed payment date and ending on the date which payment is made.

Madam Temporary Speaker, there are also other provisions including one that says a supplier shall not waive the interest and it shall be included on the amount due. Again, the interest shall not be used as an excuse. Clause 5(1) says-

“Notwithstanding the provisions of section 4, a procuring entity shall ensure that priority is given to the payment of any outstanding debts for the supply of goods and services to the procuring entity.”

So, the interest should not be an excuse. So, you first pay, but you now owe me interest.

As Sen. Mutula Kilonzo Jnr. said, it is unfortunate that we have to legislate like this. There are other jurisdictions which have done it and I will explain to you if I have time. However, God willing, this shall apply to the national Government and maybe 45 county governments because Nairobi City and Makueni counties will not need this. I do not know if Sen. Olekina will go for Governor, but Nairobi City and Makueni counties should not need this as it is common sense.

I have stories of many people who have flocked my office because they believe the Senator can sort it out. Even before I was Senator, I was dealing with the issue of the Kenyatta International Convention Center (KICC). Some young people got contracts for the United Nations Conference on Trade Development (UNCTAD) and the World Trade Organisation (WTO). One of them committed suicide and others came and told me: “Sen.

Sakaja, it is good the Government offered us 30 per cent procurement opportunities. We got our contracts under the 30 per cent, but we wish we did not do it. We are worse off than we were before we got the contracts.”

Madam Temporary Speaker, imagine a young person telling you that. There are many examples like my friend, Mr. Eugene, who have been auctioned. Many of them were auctioned and marriages have been broken because of the Government.

Lawyers will tell you. I am a legal scholar at the London School of Economics (LSE) and about to finish my undergraduate in law. So, I will be an actuarial lawyer. I am doing it at the University of London and not LSE. I have always wanted to go to LSE. They will tell you that the fact you have received goods or services and you have used them is evidence of a contract. So, you cannot use technicalities to bring down the young people who are given opportunities.

Madam Temporary Speaker, the other day when I was moving the Start-up Bill, I said I have been deliberate on the legislations I have brought in the past nine years. This one was because the one I did before on 30 per cent has become more of a hindrance than a help to many young people.

I pray that we pass this Bill and that the National Assembly also passes it and it becomes law, for the other 45 counties and the national Government. We need it because laws are there to cure mischief.

Other jurisdictions have this. In the United Kingdom (UK), they have set a target in their legal framework that 80 per cent of invoices of goods are paid within five days. This is what they believe in; that a strong supply chain and strong Micro and Small Enterprises (MSEs) are a bedrock of a successful UK.

Issues of disputes are also provided for. They must be sorted within a specific time as well. Prompt payment for contractors is a soft mechanism but you do not have to use that. In South Africa, it is the same. For them, there are regulations for timely payments.

Madam Temporary Speaker, I thank everybody who has contributed. Our remarks have gone to the HANSARD. This is not the first time we are debating on this Bill. There were issues with the National Assembly and we had to deal with this.

One of the things I like, which I think we will consider, is the issue of personal culpability. I will give you the final example. I do not want to put blame on any individual who lost office during the first County Government of Nairobi. People would come and tell me that if you paid in Nairobi, it meant nothing.

If they were supposed to pay, for example, Kshs20 million, what they would do those days was to give you a cheque of 10 per cent and you had to go to Co-operative Bank Mama Ngina. *Hapo* City Hall. Even if you had a cheque, if you had not been called to get the money, you would not get it.

You had to go and get the money in cash, take it to some two guys who I will not mention because they are undergoing criminal proceedings. Sen. Mutula Kilonzo Jr. knows one of them because he is from his county. You had to give them 10 per cent before you got 80 per cent. What was that?

There is a friend of mine we were with in school. He is the grandson of Wamachui, very famous in Nairobi. They went through a lot of trouble. I hope we will not do that. Let us have the culprits.

Madam Temporary Speaker, I thank everybody. I beg to reply. Additionally, given that I have replied, pursuant to Standing Order No.61(3), I request that the putting of the question be deferred to a later date for obvious reasons.

I thank you.

**The Temporary Speaker** (Sen. Nyamunga): Thank you Senators for the contributions. As requested, I defer the putting of the question on that Bill until it appears on the Order Paper next time.

*(Putting of the question on the Bill deferred)*

We are going to defer Order Nos. 16, 17, and 18.

*Second Reading*

THE COUNTY HALL OF FAME BILL  
(SENATE BILLS NO.9 OF 2021)

*(Bill deferred)*

*Second Reading*

THE LAW OF SUCCESSION (AMENDMENT) BILL  
(SENATE BILLS NO.15 OF 2021)

*(Bill deferred)*

*Second Reading*

THE DISASTER RISK MANAGEMENT BILL  
(SENATE BILLS NO.14 OF 2021)

*(Bill deferred)*

Let us go to the next Order.

*Second Reading*

THE NATURAL RESOURCES (BENEFIT SHARING) BILL  
(SENATE BILLS NO.25 OF 2020)

**Sen. (Dr.) Zani:** Madam Temporary Speaker, I beg to move that the Natural Resources (Benefit Sharing) Bill (Senate Bills No.25 of 2020) be read a Second Time.

Let me start by thanking Members of various committees of this Senate who have looked at this Bill over time. I appreciate the way we have navigated our space and try to

make changes to ensure that this Bill achieves what it intends which is sharing of natural resources.

We know there is no county that is not gifted with natural resources because we have natural resources in every county. By having those natural resources, communities always hope to attain something.

Every time I visit various institutions, companies and organisations that are in the process of processing natural resources in the counties--- Sometimes we refer to it as “exploiting natural resources” not in the negative sense but as they exploit, they bring something positive. We are aware about the curse in Nigeria where there is a lot of wealth but also high level of poverty. That is the reality with us.

When I travel around the country, I visit counties just to see what is happening. In many cases, there are issues of communities benefitting. I am not talking about royalties. That is why I did not use “royalties” in the Bill but “benefits sharing” so that it can be interpreted in the broader sense of the word in terms of negotiations.

Various important entities at the local community, county and national level are outlined in this Bill. For example, it talks about the Kenya Revenue Authority (KRA) which will ensure that we have a system to coordinate collection of resources so that they are shared at various levels.

This Bill also proposes to establish a Sovereign Fund where 20 per cent will come from the national Government. That is what many countries do because people benefit from natural resources for generations. There are generations that have gone but we are here to keep them for the generations to come. We will have allocations at various percentages to ensure that people benefit.

The Mining Act that was debated in the National Assembly did not have provision for distribution of resources. Later on, they did. We do not have the mining sector alone but there are so many other sectors. For example, we have forestry, sunlight and water. It is important to have legislation on all these. That is why the Natural Resources (Benefit Sharing) Bill is important.

In Clause 3, the Bill highlights various natural resources. They include sunlight, water resources, forests, biodiversity and genetic resources, wildlife resources, industrial fishing and wind. In the previous version of this Bill, we talked about natural resources that might be introduced in the future. In this Bill, we have only dealt with one component.

How do you manage that at the national level? You need to have an overarching body. Before we had an authority in place--- In ensuring that we do not have too much fiscal responsibility---

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senator, we are going to stop you at that point. You will have a balance of 55 minutes next time the Bill is listed.

## ADJOURNMENT

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 3<sup>rd</sup> August, 2021, at 2.30 p.m.

The Senate rose at 6.30 p.m.