



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**AFTERNOON SITTING**

**WEDNESDAY, JUNE 21, 2023 AT 2.30 PM**

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.

3. **QUORUM OF THE SENATE**

The Speaker, having confirmed that there was Quorum pursuant to Standing Order 40, called upon the Clerk to call the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR - VISITING TEACHERS AND STUDENTS FROM PRECIOUS BLOOD PRIMARY, KIAMBU COUNTY**

The Speaker conveyed the following Communication from the Chair: -

“Honourable Senators,

In the public gallery, we have eighty-three (83) students, accompanied by five (5) teachers, from Precious Blood Primary, Kiambu County who are in the Senate on an education tour.

Honourable Senators,

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

I thank you.”

5. **PETITION TO THE SENATE**

Pursuant to Standing Order 236 (2) (b), the Speaker presented a Petition to the Senate by Mr. Benson Nyaga Kagete concerning recognition and remuneration of Village Elders under the *Nyumba Kumi* initiative.

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

6. **PAPERS LAID**

The following Papers were laid on the Table of the Senate: -

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

*(The Senate Majority Leader)*

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

(Sen. Beth Syengo, MP on behalf of Sen. Agnes Kavindu Muthama, MP)

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

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

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

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

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

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

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

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

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

## **8. QUESTIONS AND STATEMENTS**

### **STATEMENTS**

#### **a) Pursuant to Standing Order 52(1)**

- (i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) made a statement to commend the exemplary performance by Faith Kipyegon who smashed the 5000 meters world record at the Paris

Diamond League 2023 of Kenyan athletes who participate at the Wanda Diamond League 2023.

He stated that Faith Kipyegon had once again made history when she broke the world record, setting a new record time of 14.05.20. The Senator further lauded Mr. Emmanuel Wanyonyi, for winning the 800 meters Ferdinand Omanyala, for finishing second at the Diamond League by clocking 10.05 seconds in the 100m race.

The Senator called upon Kenyan athletes to remain clean and dedicated in their careers by avoiding the doping menace that had ended careers and tainted the image of many other athletes. The Senator also called upon the Government, Athletics Kenya (AK) and the National Olympics Committee of Kenya (NOCK) to engage the athletes as Kenya's brand ambassadors in sports tourism and in marketing Kenya abroad, and to ensure that their welfare and rewards are taken care of with a view to keep them motivated at all times.

- (ii) The Senator for Nairobi County (Sen. Edwin Sifuna, MP) made a statement concerning the rampant fires that have ravaged markets in Nairobi recently, destroying property estimated to be worth hundreds of millions of shillings.

Thereupon the Senator stated that on Sunday, June 11, 2023 at 2 a.m, the Toi Market in Kibra Constituency went up in smoke thus resulting in about 3,000 traders losing stock estimated at between Kshs 400,000 and Kshs 600,000 each. Cumulatively, the total loss in the market was over Kshs 1 billion. He further emphasized on the fact that just two days later, Mutindwa market was also in flames.

The Senator called upon the relevant authorities to ensure that security is enhanced in the markets and fire- fighting equipment put in place. Further, the Senator urged the relevant authorities do ensure that the perpetrators of the Toi and Mutindwa fires be brought to book and that the victims are compensated in order to ensure that justice is served.

**b) Pursuant to Standing Order 53(1)**

- (i) The Senator for Kirinyaga County (Sen. James Murango, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the expansion of Kibirigwi Irrigation Farmers' Cooperative Society Limited (KIFCO) project in Kirinyaga County.

- (ii) The Senator for Laikipia County (Sen. John Kinyua, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the resettlement status of Kwambuzi squatters in Laikipia County.
- (iii) The Senator for Kiambu County (Sen. Karungo Wa Thangwa, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning security and safety measures for cab-hailing users.
- (iv) Nominated Senator (Sen. Beatrice Ogola, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the construction of water pans in Homabay County.
- (v) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the operationalization of the Commodities Fund.
- (vi) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing on the state of roads in Nandi County.
- (vii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the state of land leases in Nandi County.
- (viii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the impact of demonstrations on the economy of Kisumu County.
- (ix) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) sought a statement from the Standing Committee on Trade, Industrialization and Tourism concerning the status of the Financial Inclusion Fund and its impact on the residents of Kisumu County.
- (x) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the measures to address of the flood menace in Kisumu County.

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

Order read;

Motion made and Question proposed;

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

*(Sen. Margaret Kamar, MP on behalf of Sen. Danson Mungatana, MP)*

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 84 (1), the Speaker informed the House that the Motion did not affect Counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY -**

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

10. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – In the Chair)

**The Cotton Industry Development Bill (Senate Bills No. 5 of 2023)**

Clauses 3, 4, 5 and 6

Motion Made and Question proposed;

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

*(Sen. Beth Syengo, MP)*

Clauses 3, 4, 5 and 6 - vote deferred

Clause 7 - amendment proposed

THAT, clause 7 of the Bill be amended—

a) in subclause (1) by—

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

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

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

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

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

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

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

Clause 7 - vote deferred

Clauses 8, 9 and 10

Motion Made and Question proposed;

THAT, Clauses 8, 9, 10 be part of the Bill

*(Sen. Beth Syengo, MP)*

Clauses 8, 9 and 10 - vote deferred

Clause 11 - amendment proposed

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

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

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

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

(i). provide affordable equipment, farm inputs including seeds, fertilizers and pesticides to the growers; and

(ii). design affordable crop insurance models.

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

Clause 11 -vote deferred

Clauses 12,13, 14,15,16,17, 18, 19,20,21 and 22

Motion made and Question proposed;

THAT, Clauses 12,13, 14,15,16,17, 18, 19,20,21,22 be part of the Bill

*(Sen. Beth Syengo, MP)*

Clauses 12,13, 14,15,16,17, 18, 19,20,21 and 22 - vote deferred

Clause 23 -amendment proposed

THAT, clause 23 of the Bill be amended —

a) in subclause (1) by deleting paragraph (d);

b) in subclause (2) by inserting the following new paragraphs immediately after paragraph (k) –

(ka) monitor and provide technical support for the eradication of noxious and invasive weeds and report any incidences to the Board.;

(kb) establish cotton aggregation centres in collaboration with the national government;

(kc) establish cotton collection centres and storage facilities;

(kd) put in place programs for provision of farm machinery; and



- (ke) provide affordable farm-inputs including quality seeds, fertilizer and other planting materials.
- c) by inserting the following subclause immediately after subclause (2) —
  - (3) The county executive committee member responsible for finance may from time to time implement such measures, including incentives in order to promote the development of the cotton industry.

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

Clause 23                      -vote deferred

Clause 24                      -amendment proposed

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

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

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

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

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

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

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

Clause 24                      -vote deferred

Clause 25                      -amendment proposed

THAT, clause 25 of the Bill be amended in—

- a) subclause (1) by deleting the words “manufacture or processing of cotton products” appearing immediately after

the words “engage in the “and substituting therefor the word “business of cotton ginning, spinning or value addition”

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

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

Clause 25                      -vote deferred

Clauses 26,27, 28, 29, 30 and 31

Motion Made and Question proposed;

THAT, Clauses 26, 27, 28, 29, 30 and 31 be part of the Bill

*(Sen. Beth Syengo, MP)*

Clauses 26,27, 28, 29, 30 and 31                      - vote deferred

Clause 32                      -amendment proposed

THAT, clause 32 of the Bill be amended in

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

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

Clause 32                      -vote deferred

Clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48

Motion made and Question proposed;

THAT, Clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 be part of the Bill

*(Sen. Beth Syengo, MP)*

Clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48      -  
vote deferred

New Clause 23A      -insertion of new clause proposed

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

County Cotton      23A. (1) Each county executive committee member  
Development      in the cotton growing counties listed in the Second  
Committee      Schedule shall establish a Cotton Development  
                         Committee for the better carrying out of the  
                         functions under this Act.  
                         (2) The committee shall comprise representatives of  
                         the county government, growers, ginner and any  
                         other relevant stakeholder from the county that the  
                         county executive committee member shall deem fit.  
                         (3) The function of the committee shall be to advise  
                         the county executive committee member on matters  
                         affecting the cotton industry.  
                         (4) The committee shall comprise of not more than  
                         nine (9) members.  
                         (5) The respective county executive committee  
                         member shall appoint chairperson and members to  
                         the board.  
                         (6) The term of service of the members shall be 3  
                         years renewable once.  
                         (7) The respective county executive committee  
                         member shall prescribe, in regulations, the conduct  
                         of business and affairs of the committee.

Motion made and Question proposed;

THAT, New Clause 23A be now read a Second Time.

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

New Clause 23A      -vote deferred

New Clause 49 and the New Heading      -insertion of new clause and new  
heading proposed

THAT, the Bill be amended by inserting the following new heading immediately after clause 48—

PART VII— TRANSITIONAL PROVISIONS.

That the Bill be amended by inserting the following new clause immediately after clause 48—

Interpretation.        49.        In this Part—  
                                         “appointed day” means the day this Act comes into force.

Motion made and Question Proposed;

THAT, New Clause 49 and the New Heading be now read a Second Time.

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

New Clause 49 and the New Heading        - vote deferred

New Clauses 50, 51, 52, 53, 54 and 55        - insertion of new clauses proposed

- |                            |     |                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rights and obligations.    | 50. | On the appointed day, all rights, obligations and contracts which, immediately before the coming into operation of this Act, were vested in or imposed on the Agriculture and Food Authority with respect to the cotton sector shall by virtue of this section, be deemed to be the rights, obligations and contracts of the Board as the case may be. |
| Assets.                    | 51. | On the appointed day, all funds, assets, and other property, moveable and immovable which were immediately before the appointed day vested in Agriculture and Food Authority for the carrying out of functions relating to cotton, shall vest in the Board.                                                                                            |
| Legal proceedings          | 52. | On the appointed day, all actions, suits or legal proceedings pending by or against the Agriculture and Food Authority in relation to the cotton sector shall be carried on or prosecuted by or against the Board, and no action, suit or legal proceedings shall in any manner abate or be prejudicially affected by the enactment of this Act.       |
| Reference to written laws. | 53. | Any reference to the Agriculture and Food Authority in any written law or in any contract, document or instrument of whatever nature, in relation to cotton, shall, on the appointed day, be read and construed as a reference to the Board.                                                                                                           |

Previous authorizations.                      54.      All directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Agriculture and Food Authority in relation to cotton, and subsisting or valid immediately before the appointed day, shall be deemed to have been given, issued or made by the Authority as the case may be, under this Act.

Staff.                                              55. Any person who, at the commencement of this Act, is a member of staff of the Agriculture and Food Authority dealing with the cotton sector shall, on the appointed day, become a member of staff of the Board.

Motion made and Question proposed;

THAT, New Clauses 50, 51, 52, 53, 54 and 55 be now read a Second Time.

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

New Clauses 50, 51, 52, 53, 54 and 55                      -vote deferred

Clause 2                                              -amendment proposed

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

- a) the definition of “chief executive officer” —  
    “Cotton industry” includes growers, ginners, spinners and cotton value addition industries.
  
- b) the definition of “cotton seed”  
    “Council of County Governors” means the Council of County Governors established under section 19 of the Intergovernmental Relations Act.

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

Clause 2                                              -vote deferred

The title and Clause 1

Motion Made and Question proposed;

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

*(Sen. Beth Syengo, MP)*

The Title and Clause 1 –vote deferred

**Progress report;**

Motion made;

THAT, the Committee of the Whole do report to the House its consideration of the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) and seek leave to sit again tomorrow.

*(Sen. Enoch Wambua on behalf of Sen. Beth Syengo, MP)*

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

Question put and agreed to.

11. **HOUSE RESUMED** – (Temporary Speaker, Sen. Veronica Maina, MP - in the Chair)

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

Progress reported;

Motion made and Question proposed:-

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

*(Sen. Beth Syengo, MP)*

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1) the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) ruled that the Motion did not affect counties.

Question put and agreed to.

12. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – In the Chair)

**The Employment (Amendment) Bill (Senate Bills No. 11 of 2022)**

Clause 2, the Title and Clause 1

Motion made and Question proposed;

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

*(Sen. Samson Cherarkey, MP)*

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

**Progress report;**

Motion made;

THAT, the Committee of the Whole do report to the House its consideration of the Employment (Amendment) Bill (Senate Bills No. 11 of 2022) and seek leave to sit again tomorrow.

*(Sen. Samson Cherarkey, MP)*

Before the Question was put and pursuant to Standing Order 84(1), the Acting Chairperson (Sen. Sen. Wakili Hillary Sigei, MP) ruled that the Question does not affect counties;

Question put and agreed to.

13. **THE HOUSE RESUMED** – (Temporary Speaker, Sen. Wakili Hillary Sigei, MP - in the Chair)

**THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)**

Progress reported;

Motion made and Question proposed:-

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

*(Sen. Samson Cherarkey, MP)*

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1) the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) ruled that the Motion did not affect counties.

Question put and agreed to.

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

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Mung Beans Bill (Senate Bills No. 13 of 2022) be now read a Second Time.

*(Sen. Enoch Wambua, MP, 20.06.2023)*

Debate interrupted on Tuesday, 20<sup>th</sup> June, 2023 resumed;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

15. **SENATE ROSE** -at thirty minutes past six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, June 22, 2023 at 2:30 p.m.*