



**THIRTEENTH PARLIAMENT**  
**THE SENATE**  
**OFFICIAL REPORT**



**Fifth Session**

**Thursday, 26<sup>th</sup> February, 2026 at 2.30 p.m.**

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday 26<sup>th</sup> February, 2026

*The House met at the Senate Chamber,  
Parliament Buildings at 2.32 p.m.*

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

#### PRAYER

DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING

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

*(The Clerk-at-the-Table consulted with the Speaker)*

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Order. Hon. Senators, let us settle down.

Clerk, you may proceed to call the first Order.

#### COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM THE  
COUNTY ASSEMBLY OF BUNGOMA

Hon. Senators, I would like to acknowledge, in the Speaker's Gallery this afternoon, the presence of a visiting delegation of members of staff from the County Assembly of Bungoma who are undertaking a training on Legislative Public Policy Analysis at the Centre for Parliamentary Studies and Training (CPST).

Hon. Senators, on behalf of the Senate and my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

I thank you.

VISITING DELEGATION FROM THE  
COUNTY ASSEMBLY OF KWALE

Hon. Senators, I would like to acknowledge in the Speaker's Gallery this afternoon, the presence of a visiting delegation from the County Assembly of Kwale comprising members of the Finance, Budget and Appropriation Committee and its secretariat. The delegation is undertaking a training programme at the CPST.

Hon. Senators, I request each member of the delegation to stand when called out, so that you are acknowledged in the Senate tradition-

- |                                   |   |
|-----------------------------------|---|
| 1. Hon. Hanifa Mwajirani          | Majority Leader/Member                  |
| 2. Hon. Manza Beja                | Chairperson                             |
| 3. Hon. Teresia B. Muoki          | Member                                  |
| 4. Hon. Ali Bedzame               | Member                                  |
| 5. Hon. Yusuf Sengeza             | Member                                  |
| 6. Hon. Augustine Ndegwa Fredrick | Member                                  |
| 7. Hon. Juma Maone                | Member                                  |
| 8. Hon. Hamisi Mkaha              | Member                                  |
| 9. Hon. Mulki Adan                | Member                                  |
| 10. Mr. Said Mwamazima            | Assistant Director, Hansard<br>Services |
| 11. Mr. Omari Juma Gambere        | Principal Finance Officer               |
| 12. Mr. Mrina M. Komboza          | Principal Clerk Assistant               |
| 13. Mr. Chimba Sindi              | Serjeant-At-Arms                        |
| 14. Ms. Fatuma Kingi              | Legal Counsel                           |
| There is no relationship.         |   |

*(Laughter)*

- |                          |                 |
|--------------------------|-----------------|
| 15. Mr. Juma Hassan Zani | Clerk Assistant |
|--------------------------|-----------------|

*(Applause)*

Hon. Senators, on behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

I will call upon the Senator for Bungoma, under one minute, to extend a word of welcome---

*(Sen. Wafula stood in his place)*

Have a seat Senator. You do not roam around when the Chair is on his feet.

*(Sen. Wafula sat in his place)*

I call upon the Senator for Bungoma, in under one minute, to extend a word of welcome to the delegation from Bungoma. I will also call upon Sen. Chimera, under one minute, to extend a word of welcome to the delegation from Kwale County.

You may proceed, Senator for Bungoma.

**Sen. Wafula:** Asante sana, Mhe. Spika. Naona wengi wamejawa na wivu dhidi yangu na watu wangu wa Bungoma. Lakini kwa yote, namshukuru Maulana kwa sababu wamekuja kujionea, kujifunza na kuiga mienendo mizuri ya Bunge la Seneti na Maseneta ambao wamekita mizizi katika sheria, kanuni na mstakabali wa Mabunge ya Afrika Mashariki.

Ningependa kuwakaribisha wote kutoka Kaunti ya Bungoma na wengine ambao wako hapa wajihisi nyumbani. Wako mikononi mwa watetezi wa ugatuzi. Tutaungana kwa pamoja kutunga sheria kuwatetea na kuwakilisha watu wetu, ili nchi ya Kenya iweze kupiga hatua za kimaendeleo na kulinda ugatuzi.

Kwa hivyo, kwa niaba ya watu wa Bungoma na Maseneta wenzangu, nawakaribisha nyote kwa moyo mkunjufu ili tusonge kwa pamoja na tujenge nchi ya Kenya.

**Sen. Chimera:** Asante sana Mhe. Spika kwa fursa hii. Vile vile, nataka nichukue nafasi hii kuwakaribisha Wabunge wa Bunge letu ndogo gatuzi la Kwale katika Seneti. Hapa ndipo Seneti. Karibuni sana Waheshimiwa. Natumai kwamba mmepata nafasi murwa na fursa ya kuongeza ujuzi katika masuala yote ya ugatuzi.

Hapa Seneti, mtajionea wazi ile kazi ambayo Maseneta wanafanya kuhakikisha kwamba tumetuma rasilmali ili muweze kuendeleza miradi mbalimbali kule eneo letu la Kaunti ya Kwale.

Vile vile, najua mmepata nafasi murwa ya kuona paruwanja ile kazi ambayo Seneta wenu anafanya hapa Bunge. Nina imani ninyi pia mnashabikia kazi hii. Nina imani pia mkirudi kule Kwale mtaendeleza kazi yenu ya uhakiki na kuhakikisha kwamba wananchi watukufu wa Kwale wanapata maendeleo.

Nikimalizia, mimi ni Seneta Mteule kutoka Kwale. Hawa Wajumbe wangu wamesafiri umbali na urefu kufika hapa Bunge la Seneti. Pia, tuko katika msimu wa Ramadhani. Mimi naomba kwa upendo na undugu, Maseneta ambao wako hapa tushirikiane leo wanichangie kidogo ndio hawa viongozi wangu wa Kwale wapate tende ya Iftar.

Karibuni viongozi kutoka Kaunti ya Kwale. Ninaamini ninyi wenyewe mnashabikia kazi hii. Nina imani mkirudi kule kwale mtaweza kuendeleza ile kazi yenu ya uhakiki na kuhakikisha kwamba wananchi wale wanapata maendeleo.

Nikimalizia, mimi ni Seneta mteule kutoka Kwale na unajuwa hawa wajumbe wangu wamesafiri umbali na urefu kufika hapa Bunge la Seneti na tuko katika msimu wa Ramadhani. Naomba tu kwa upendo na undugu, hawa mandugu wangu maseneta walio hapa tushirikiane wanichangie kidogo tu ili hawa viongozi wangu wa Kwale waweze kupata tende ya Iftar.

Asante sana na karibuni, viongozi kutoka Kaunti ya Kwale.

Nashukuru.

**The Speaker** (Hon. Kingi): Sen. Sifuna.

**Sen. Sifuna:** Asante sana, Bw. Spika. Kwanza, namkumbusha Sen. Chimera kwamba nikiona waheshimiwa waliopo pale juu, naona watu wa heshima. Nimewajua

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kibinafsi, nimefanya kazi nao. Mheshimiwa Hanifa Badi ni mkereketwa wa chama cha Orange Democratic Party (ODM). Tumepitia mengi akiwa kiongozi wa ODM katika County Assembly ya Kwale. Naweza kudhibitisha hapa kwa sasa ya kwamba anazo tende na haitaji tende za mheshimiwa Chimera. Nataka nitoe pole ya Mheshimiwa Issa Boy ambaye yuko njiani, anakuja hapa Bunge. Ndiye Seneta wa Kwale.

Nawashukuru kwa kufika Katika Bunge la Seneti. Tunawaheshimu sana. Mheshimiwa Hanifa Badi, unajuwa nakuheshimu sana kwa kazi nzuri unayofanya katika chama chetu, katika County Assembly ya Kwale. Tunakutambua. Wasiojuwa story yangu na Hanifa waende hadi wakati wa uchaguzi wa mwaka wa 2011 katika Eneo Bunge la Msambweni. Watajua ni kwa nini namheshimu huyu dada.

Bw. Spika, unajua kwamba wakati mwingine mambo huwa yanachemka. Wale *foot soldiers* wa chama, mimi kama katibu mkuu, nawatambua sana. Asanteni kwa kufika hapa Bunge.

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, Senator for Nandi. Sen. Sifuna, ikiwa umemaliza, tafadhali ---

**Sen. Sifuna:** Bw. Spika, najua kwamba wakati kutakuwa na viongozi wa kutoka Nandi, naye atazungumza. Wacha nizungumze kwa niaba ya viongozi wa chama cha ODM.

Nawashukuru kwa kufika hapa. Hamna lolote mnalohitaji kutoka kwa Mheshimiwa Chimera. Kama Seneta wa Nairobi na katibu wenu, niko hapa. Nitawalinda mkiwa kaunti hii jinsi mnavyonilinda nikiwa Diani.

Asanteni, Mungu awabariki.

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order!

**Sen. Faki:** Bw. Spika, asante kwa kunipa fursa hii kuikaribisha *delegation* ya kutoka Kwale. Tumekuwa nao leo katika Kamati yangu ya Ardhi, Mali Asili na Mazingira. Walisoma *first hand* mambo yanayotendeka wakati wa kufanya *oversight*. Tulikuwa tunazungumzia vile tulikuwa tumemkaribisha mgeni kutoka Nandi kuhusiana na fedha za Financing Locally-Led Climate Action (FLLoCA).

Waliona vile maswali yanaulizwa kuhusiana na pesa hizo. Tuliwasihi kwamba pia kule kwao nyumbani, waulize maswali yale kwa magavana wanaowasimamia.

Bw. Spika, najiunga nawe ili kuwakaribisha. Kama alivyosema kiranja wetu, Sifuna, wengi katika *delegation* hii ni wa kutoka kwa chama cha ODM wakiongozwa na kiongozi wa wengi, Hanifa Mwajirani. Chama cha ODM sio maskini wa kufanyiwa mchango, kutolewa tende kwa watu wake.

Asante.

**The Speaker** (Hon. Kingi): Next Order.

**PAPERS LAID**

**The Speaker** (Hon. Kingi): The Chairperson, Committee on Health.

REPORT ON OVERSIGHT NETWORKING ENGAGEMENTS IN  
KITUI, MAKUENI AND MACHAKOS COUNTIES

**Sen. Mariam Omar:** Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, 26<sup>th</sup> February, 2026.

Report of the Standing Committee on Health on the County Oversight Network Engagements in Kitui, Makueni and Machakos.

Thank you.

*(Sen. Omar laid the document on the Table)*

**The Speaker** (Hon. Kingi): The Senate Majority Leader.

MOTOR VEHICLE INSPECTION RULES

**Sen. Wafula:** Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, Thursday, 26<sup>th</sup> February, 2026-

The Traffic, School Transport Rules, Motor Vehicle Inspection Rules, Drunk Driving Rules Act, and NTSA Operational Commercial Service Vehicle Act.

Thank you.

*(Sen. Wafula laid the document on the Table)*

**The Speaker** (Hon. Kingi): Next Order. The Chairperson, Standing Committee on Health.

**NOTICE OF MOTION**

ADOPTION OF REPORT ON OVERSIGHT NETWORKING ENGAGEMENTS  
IN KITUI, MAKUENI AND MACHAKOS COUNTIES

**Sen. Mariam Omar:** Thank you, Mr. Speaker, Sir.

I beg to give notice of the following Motion -

THAT, the Senate adopts the report of the Standing Committee on Health on the County Oversight Network Engagements in Kitui, Makueni, and Machakos County laid on the Table of the Senate on Thursday, 26<sup>th</sup> February, 2026.

**The Speaker** (Hon. Kingi): Next Order.

## QUESTIONS AND STATEMENTS

### STATEMENTS

**The Speaker** (Hon. Kingi): Statements pursuant to Standing Order No.52(1). Proceed, Sen. Mumma Catherine.

#### NON-CONSENSUAL RECORDING AND DISSEMINATION OF INTIMATE VIDEOS OF KENYA WOMEN BY RUSSIAN MAN

**Sen. Mumma:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a statement on a matter of national importance, namely; the secret recording and circulation of intimate encounters involving Kenyan women by a foreign national for online distribution and profit.

Over the past few weeks, disturbing videos have circulated widely on social media platforms depicting Kenyan women being secretly recorded without their knowledge or consent. The content captured using concealed recording devices has been disseminated online for voyeuristic consumption, exposing the women involved to humiliation, stigma, reputational damage and profound psychological harm.

Mr. Speaker, Sir, this conduct is a gross affront to the values and protections enshrined in our Constitution. Article 8 guarantees every person the right to inherent dignity. That dignity should be respected and protected, while Article 31 guarantees the right to privacy, including the right not to have one's private affairs unnecessarily required or revealed. Secretly recording and distributing intimate encounters without consent is not only immoral, but it is an egregious violation of constitutional rights and may constitute offenses under the Data Protection Act, Cap 11(c), and the Computer Misuse and Cybercrimes Act, Cap 79(c).

Mr. Speaker, Sir, this incident underscores the dangerous intersection between technology and gender-based exploitation. The misuse of digital tools to commodify women's bodies and private lives reflects a broader pattern of online gender-based violence that continues to threaten the safety, dignity and equality of women and girls in our country.

Digital spaces must not become safe havens for abusers, predatory contact and impunity. I am particularly concerned about the speed and the scale at which such harmful content spreads online and the inadequacy of deterrence and response mechanisms to prevent the capture, upload and redistribution of non-consensual intimate material. Equally troubling is the secondary victimisation that occurs when members of the public continue to share, forward or trend such content, thereby compounding the harm suffered by victims and entrenching a culture of cruelty and impunity.

Mr. Speaker, Sir, I urge the relevant investigative and prosecutorial agencies to act with speed, diligence and sensitivity to identify the perpetrators, secure digital evidence, disrupt distributional networks and ensure that those responsible are brought to justice. I further urge the communications regulator and the digital platforms operating in Kenya to strengthen prompt takedown procedures and the circulation of non-consensual intimate images and videos consistent with our laws and constitutional standards.

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Mr. Speaker, Sir, beyond enforcement, the victims require protection and support. This matter calls for strengthened survivor-centered responses, including confidential reporting channels, psycho-social support, legal aid and public education on the criminality of recording, processing, sharing or recirculating intimate content without consent. It also calls for renewed national commitment to combating technology-facilitated gender-based violence through prevention, accountability and the promotion of responsible digital citizenship.

The dignity of Kenyan women is not negotiable. This House must send a clear message that exploitation, whether physical or digital, will not be tolerated, and that the rights of privacy and dignity guaranteed under our Constitution shall be protected without hesitation or exception.

Thank you.

**The Speaker** (Hon. Kingi): Statement pursuant to Standing Order No.53(1). Senator for Nairobi City County, Sen. Edwin Sifuna.

#### SHOOTING OF MR. VINCENT AYOMO

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of national importance regarding the shooting of Mr. Vincent Ayomo and the conduct of the police officers during a public gathering held in Kitengela on Sunday, 15<sup>th</sup> February, 2026.

Mr. Speaker, Sir, police officers disrupted a peaceful assembly, resulting in the fatal shooting of Mr. Ayomo and injuries to other citizens. This incident has raised serious concerns regarding the protection of the constitutional right to peaceful assembly and the use of force by law enforcement officers.

In the Statement, the Committee should address the following-

(1) The circumstances under which police officers were deployed to the rally in Kitengela, including the chain of command and the officers involved and their respective police stations.

(2) The justification, if any, for the use of force and the specific circumstances that led to the shooting of Mr. Vincent Ayomo.

(3) The action taken against the officers involved, including any investigations commenced and their current status.

(4) The number of persons injured, arrested or otherwise affected and an assessment of damage to property.

(5) The measures in place to compensate the family of Mr. Vincent Ayomo and other affected persons.

Mr. Speaker, Sir, with your permission, I have a second statement. I could take that as well.

IMPLEMENTATION STATUS OF THE WORLD INTELLECTUAL PROPERTY  
ORGANIZATION PERFORMANCE AND PHONOGRAMS TREATY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights (JLAHRC) on a matter of countywide concern regarding the implementation status of the World Intellectual Property Organization Performance and Phonograms Treaty, (WPPT), whose ratification was confirmed by a Cabinet dispatch dated Thursday, 12<sup>th</sup> May, 2022.

The treaty is intended to safeguard the rights of performers and producers of phonograms by ensuring fair remuneration, recognition and protection of their works, particularly in the digital environment. With the rapid growth of the creative economy and the increasing exploitation of digital platforms for the distribution of creative content, the effective domestication and enforcement of this treaty can no longer remain a peripheral issue in national discourse. There is an urgent need to clarify the extent to which Kenya has fulfilled its obligations under the treaty and the practical measures in place to secure the rights of creatives.

In the Statement, the Committee should address the following-

(1) The current status of the World Intellectual Property Organisation (WIPO) Performances and Phonograms Treaty in terms of ratification, domestication, international law and implementation, including any legislative or regulatory amendments undertaken.

(2) Detailed breakdown of the legal, administrative and policy measures currently in place to prevent and address violations, including the circumvention of technological protection measures and the unauthorised use of protected works.

(3) The existing local, legal and institutional frameworks that complement the WIPO Performances and Phonograms Treaty in promoting, protecting and mainstreaming the rights and economic interests of creatives in the country.

Thank you.

**The Speaker** (Hon. Kingi): Senator for Nandi County.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. I have a number of statements. I hope you will allow me to read them in *mutatis mutandis* manner.

PILFERAGE OF NAIROBI WATER AND SEWERAGE COMPANY ASSETS

I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Devolution and Inter-Governmental Relations on a matter of country-wide concern regarding operations of the Nairobi Water and Sewerage Company and the welfare of citizens.

Mr. Speaker, Sir, recent revelations have exposed systemic theft and illegal sale of water infrastructure assets belonging to the Nairobi Water and Sewerage Company (NCWSC) The scheme has caused losses amounting to billions of shillings, weakening the company's capacity to maintain and expand its infrastructure. Residents of Nairobi ultimately bear the costs through higher tariffs, delayed repairs and poor service delivery. This development raises serious concerns about governance and oversight within The

NCWSC and demands urgent corrective action to protect public resources and restore confidence in the management of water services.

In the statement, the committee should address the following-

(1) The audit and inventory control measures mechanisms currently in place within the Nairobi Water and Sewerage Company to safeguard water infrastructure assets and clearly state the extent to which these mechanisms are effective in preventing laws, theft or misappropriation.

(2) An update and detailed inventory of all Nairobi Water and Sanitation Company assets and supplies specifying their quantities, location and corresponding monetary value to establish the true status of the company's asset base.

(3) Measures in place to ensure the safety and integrity of the NCWSC assets, including any ongoing or proposed reforms such as digital asset tracking systems, CCTV surveillance, independent audits, staff rotation policies and internal controls designed to strengthen oversight and accountability.

(4) Whether there have been any recent cases of asset loss, theft, or misappropriation within the NCWSC, and if so, detail the action taken to investigate such incidents, recover lost assets, hold responsible officers accountable and prevent any recurrence.

(5) The accountability frameworks in place to guarantee transparency in the NCWSC procurement, staffing and asset management practices and specify the steps being taken to protect residents of Nairobi from the risk and dangers posed by the compromised or missing water infrastructure that will affect the issue of water provision.

Mr. Speaker, Sir, with your indulgence, let me move on to my second statement.

#### CLOSURE OF LESSOS NATIONAL POLYTECHNIC IN NANDI COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education on a matter of national concern regarding the recent unrest at Lessos National Polytechnic.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education on a matter of national concern regarding the recent unrest at Olesos National Polytechnic in Nandi County and the subsequent indefinite closure of the institution following tensions arising from the vetting results of the Technical and Vocational Education and Training Authority (TVETA) Personnel Association Council elections held on 11<sup>th</sup> February, 2026.

The vetting exercise, which disqualified several aspirants, triggered dissatisfaction among students and escalated into protests that disrupted learning and led to property damage. The administration responded by closing the polytechnic indefinitely, leaving students stranded and raising concerns about the academic progress, welfare and the general running of the polytechnic.

In the statement, the committee should address the following-

(1) The current status of inquiry into the agencies leading investigations into the matter and the conduct of both students and administrators during the incident.

(2) the immediate actions taken by the Ministry of Education and the Polytechnic's management to restore calm, safeguard students and staff safety, and manage communication during the crisis.

(3) The reasons that informed the indefinite closure of the institution and the measures, timelines and safeguards in place to reopen the institution and resume learning;

(4) The steps taken to address students' concern over the TVEPTA Council election vetting process, measures to ensure transparency and fairness in future elections.

(5) The current financial status of Lessos National Polytechnic, including government capitation, internally generated funds, accountability for expenditures, the role of the principal in financial oversight and findings of any recent audits, including the board.

(6) The measures to rebuild the public trust in the institution of Lessos, strengthen accountability and governance structures, engage with stakeholders and prevent similar disruptions in technical training institutions.

Mr. Speaker, Sir, as you are aware, the Senator from Trans Nzoia County had requested that I read his statement on his behalf.

Thank you, Mr. Speaker, Sir, for your indulgence.

#### UNLAWFUL CLOSURE OF CPSB OFFICES AND TRANSFER OF BOARD STAFF IN TRANS NZOIA COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of countywide concern regarding the unlawful closure of the County Public Service Board of Trans Nzoia County Government and the transfer of its staff.

The County Secretary of Trans Nzoia County Government, acting on instructions from the Governor of Trans Nzoia County, issued a statement on 16<sup>th</sup> February, 2026, directing the closure of the county public service board offices and the transfer of its staff.

This action is arbitrary and of grave concern, given that the county public service board is an independent institutional organ established under Article 235 of the Constitution of Kenya and operationalised by the County Governments Act of 2012. The board is not subordinate to the county executive and is insulated from executive administrative control, supervision, or interference.

Consequently, the county governor lacks legal authority to dissolve, suspend or otherwise paralyse the operations of a sitting board outside the procedure prescribed by law.

In the statement, the committee should address the following-

(1) The circumstances under which the Governor of Trans Nzoia County directed the closure of the County Public Service Board offices and the transfer of its staff and the legal basis for the Governor's action.

(2) Whether investigations into allegations of unlawful interference with the county public service board, statutory mandate, administrative overage, disruption of public service processes, including obstruction of the board's management of county

personnel, have been undertaken and if so, table the findings and recommendations for corrective action and accountability.

(3) Measures in place to cause the immediate reopening of the Trans Nzoia County Public Service Board offices, the reversal of all directives transferring board staff, as well as measures to safeguard operational independence and compliance with the constitutional and statutory requirements relating to operations of the Trans Nzoia County Public Service Board.

Mr. Speaker, Sir, this is on behalf of Sen. Allan Chesang, the Distinguished Senator from Trans Nzoia County.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Senator for Nakuru County, Sen. Tabitha Keroche, you have the Floor.

#### ALLOCATION OF KISIMA LAND TO CIVIL SERVANTS IN NJORO SUB-COUNTY

**Sen. Tabitha Keroche:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a statement from the Standing Committee on Land, Environment and Natural Resources on a matter of countywide concern regarding the allocation of Kisima land in Njoro Sub-county, Nakuru County, to civil servants---

**The Speaker** (Hon. Kingi): Hon. Senator, are you reading the wrong statement or what is the problem?

#### DESTRUCTION OF CROPS AND PROPERTY BY BUFFALOES IN KARAI AREA, NAKURU COUNTY

**Sen. Tabitha Keroche:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a statement from the Standing Committee on Land, Environment, and Natural Resources on a matter of countywide concern regarding the destruction of crops and property by dozens of herds of buffalo from the Longonot National Park, affecting the residents of Karai, Nyamathi, Mirera, Kiambogo and Hells Gate in Naivasha sub-county, and from Nakuru National Park, affecting Nakuru East Ward residents.

The residents of the said areas, whose livelihoods have been negatively affected by the stray buffaloes, have been forced to live in constant fear and cannot leave their houses.

The said buffaloes seem to have overwhelmed the Kenya Wildlife Services officers, who have been unable to return them to the parks. This means that the affected residents cannot continue with their livelihoods of daily living due to threats of attacks by the buffaloes. This calls for urgent intervention in order to mitigate the situation and allow the residents to resume their economic activities.

Mr. Speaker, Sir, I live in Naivasha, and as I was coming to work this morning, I found 18 buffaloes straying in the Karai area.

In this statement, the committee should address the following-

(1) The immediate and urgent strategies in place to control the stray buffaloes from further destruction of people's property; and,

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(2) The compensation plan by the Ministry of Tourism and Wildlife for the affected families as well as timelines for identification and documentation of the affected residents in order to facilitate such compensation.

This Statement is read by Sen. Tabitha Keroche, Senator for Nakuru County.

**The Speaker** (Hon. Kingi): Next is Sen. Omtatah.

**Sen. Okiya Omtatah:** Mr. Speaker, Sir, I have two statements and I request to read them consecutively.

GOVERNANCE, REGULATORY COMPLIANCE  
AND ACCOUNTABILITY AT CIC GROUP

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Trade, Industrialisation and Tourism on a matter of national concern regarding governance, regulatory compliance and accountability at the Co-operative Insurance Company (CIC) Group. The CIC Group is a major insurer serving millions of Kenyans, especially within the co-operative movement and its operations have significant national, economic and social implications.

Reports in the public domain allege systemic irregularities, including excessive commission payments allegedly above the Insurance Regulatory Authority (IRA) limits, conflicts of interest arrangements involving agencies or brokerages linked to senior leadership, weak internal controls and questionable procurement, asset disposal and related transactions. Further, there are concerns related to retaliation against staff who raise fraud or compliance issues, suppression of internal reports and failure to honour lawfully employment obligations and settlement agreements.

In the statement, the committee should address the following-

(1) The extent of compliance with the IRA prescribed commission rates across CIC Group, particularly in respect of Savings and Credit Co-operative Organisation (SACCO) based and large scheme business portfolios.

(2) Particulars of agencies, brokerages and intermediary arrangements, including linkages to persons in senior leadership positions within the CIC Group and recommend appropriate action.

(3) The integrity of recruitment, procurement and asset acquisition and disposal process within the group, including evidence of undue influence or abuse office by senior officers.

(4) The adequacy and independence of internal whistleblowing mechanisms, including how reports of fraud or regulatory breaches are handled and whether there have been instances of retaliation, victimization or obstruction of oversight processes from 2020 to date.

(5) Circumstances surrounding the failure to honour settlement agreements and employment dues, including instances from non-compliance with statutory clearance procedures from 2020 to date and governance and accountability implications arising therefrom.

(6) Measures recommended to safeguard the interest of co-operative members, policyholders and the wider public.

The Statement was signed by Sen. Andrew Omtatah, Senator from Busia County, on 20<sup>th</sup> February, 2026.

Mr. Speaker, Sir, allow me to read my second Statement.

PROCUREMENT AND CONCESSION IRREGULARITIES IN  
RIRONI-NAKURU-MAU SUMMIT ROAD PROJECT

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Finance and Budget on a matter of national concern regarding illegalities surrounding the procurement, restructuring and concessioning of the Rironi-Nakuru-Mau Summit Toll Road Project.

The Rironi-Nakuru-Mau Summit Corridor is among the country's most critical transport arteries, linking Nairobi to Rift Valley and western region and it is central to the national economy, regional trade and public mobility. However, recent revelations concerning the procurement, restructuring and concessioning of this project indicate that the original Public-Private Partnership (PPP) contract which was initially awarded as a single concession, was subsequently split between two foreign contractors in a process intended to avoid prolonged external scrutiny.

In the statement, the committee should address the following-

(1) The procurement and restructuring process of the Rironi-Nakuru-Mau Summit Toll Road Project, including compliance with the Constitution, the Public Procurement and Asset Disposal Act, the Public Finance Management (PFM) Act, the Access to Information Act and the Public Private Partnership Act.

(2) Whether the PPP Committee approved the restructuring or splitting of the concession, including concession documents, financial models, the key terms and conditions of the restructured split contracts and documentary evidence of such approval, including the relevant minutes or resolutions.

(3) The status of environmental and social approvals following the restructuring, including whether any variation required fresh or updated approvals and compliance measures.

(4) The proposed tolling framework, including public participation undertaken, proposed toll rates, exemptions, if any, escalation or adjustment mechanisms and the concession duration.

(5) Measures to ensure transparency, accountability, value for money and strict adherence to the law in the current and future PPP infrastructure projects, including safeguards on contract restructuring and disclosure of material variations.

This statement was signed by Sen. Andrew Omtatah Okoiti, MP, Senator from Busia, on 20<sup>th</sup> February, 2026.

**The Speaker** (Hon. Kingi): Now, hon. Senators, there is a statement that has been sought by the Senator for Nandi County, which I committed to the Standing Committee on Devolution and Intergovernmental Relations. I now direct that, that particular Statement be directed to the Standing Committee on Land and Natural Resources.

Yes, Deputy Party Leader for ODM and the Senator for Vihiga County.

*(Loud consultations)*

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Order! Order! That is according to the papers that we have.

**Sen. Osotsi:** Mr. Speaker, Sir, indeed, I was planning to rise on a point of order over the content of that Statement because the issues raised in it are actively being handled by the County Public Investments and Special Funds Committee (CPISFC). They are financial and audit-related and the Governor is expected to appear before us on 2<sup>nd</sup> March.

**The Speaker** (Hon. Kingi): Now, hon. Senators, if you look at our Standing Orders on the contents of a statement, you will see that you cannot seek a statement on a matter that is actively being pursued by another committee. In that case, I will stand down this statement until we receive the report from County Public Investments and Special Funds Committee (CPIC) because we will be investigating the same matters by two committees.

I will step it down to allow CPISFC to conclude its investigations. Once we receive the report from CPISFC, we will get to know the fate of this particular request.

Now, hon. Senators, allow me, pursuant to Standing Order No.45(2), to rearrange today's Order Paper.

*(The Senate Majority Leader (Sen. Cheruiyot) spoke off record)*

Oh, yes.

Immediately, the Majority Leader will have concluded his statement, I will rearrange today's Order Paper and move to Order Nos. 8, 9, 10, 12 and 14. Thereafter, we shall resume the normal flow as contained in today's Order Paper.

Majority Leader, you may proceed.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 3<sup>RD</sup> MARCH, 2026

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir.

I rise, pursuant to Standing Order No.57(1), to present to the Senate the business for the week commencing Tuesday, 3<sup>rd</sup> March, 2026. I pass my sincere most appreciation to the Members of this House who toiled long and hard, during yesterday's afternoon sitting, to ensure that we transacted very long business. We concluded about four Bills and two important statutory instruments which are; the Medium-Term Debt Management Strategy and the Budget Policy Statement (BPS).

Thank you, dear colleagues, for your industry. I believe those reports are now on their way to the Executive for conclusion.

We were able to conclude a few reports on oversight visits by our various Standing Committees such as the Committee on Health which had a report on a visit to Wajir County and also, the report of the Committee on Energy on sudden business. I pass my sincere most---

Colleagues, if we work like that, we shall make this session quite meaningful.

*(Loud consultations)*

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**The Speaker** (Hon. Kingi): Order, hon. Senators. May the Majority Leader be heard in silence, please? I know there is some excitement as you try to welcome the youth leader to the Senate.

*(Applause)*

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, they should just *weka mawe* and relax. That is enough.

We have the following legislative business before us: 63 Bills that are still pending conclusion, of which 44 are at the Second Reading stage, while 17 are at the Committee of the Whole and two awaiting First Reading. We have three motions that are pending conclusion and 18 petitions that are being concluded by the various respective Standing Committees.

We have 445 statements pursuant to Standing Order No. 53(1) that are under consideration by the respective Standing Committees.

With respect to petitions, out of the 18 pending conclusions by the respective Standing Committees, while 17 are due for reporting. The timeline stipulated in Standing Order No. 238(2) has been exhausted.

The breakdown of the committees with petitions that are due for reporting is as follows: The Committee on Health has one petition - I cannot see Sen. Mandago, but I have seen the Vice Chairperson, Sen. Mariam Sheikh, here. The Standing Committee on Justice, Legal Affairs and Human Rights has one petition. Sen. Sigei was in the House earlier on.

The Standing Committee on Labour and Social Welfare has three petitions that are due for reporting. I do not see Sen. Murgor, and I am not very sure who the Vice Chairperson is. It is Sen. Crystal Asige. You need to conclude because citizens are waiting to know the findings of the Senate with regard to that particular matter.

The king of all delays happens to be the Committee chaired by Sen. Mohamed Faki, who I do not see in the House. He was here a few minutes ago. Maybe he has just stepped out to pick a call or something. This Committee on Land, Environment and Natural Resources has seven petitions. I believe they need to do better than what they are doing. There are various Members of that Committee in the House, including the Vice Chairperson.

Madam Speaker, it is not right to have seven petitions due for reporting.

**The Speaker** (Hon. Kingi): Majority Leader, did you just refer to the Chair as Madam Speaker?

*(Laughter)*

**The Senate Majority Leader** (Sen. Cheruiyot): Did I say that? My apologies. I think it is because there was a madam passing by; Madam Hezena. Forgive me.

The Standing Committee on National Security, Defence, and Foreign Relations has two petitions. I do not see Sen. Fatuma Dullo in the House. They have two petitions.

Sen. Eddy is busy, not listening to what I am saying, while his committee has two petitions. Sen. Eddy Oketch, you have three petitions that are due for reporting. They are delayed in your Committee on Roads, Transportation and Housing. Please, expedite because that is business. You cannot just be dealing with those matters alone, you have other business.

I implore upon the stated Standing Committees to expedite consideration of these petitions and table reports therein.

On Tuesday, 3<sup>rd</sup> March, 2026, the Senate Business Committee will meet to consider the business for the week. The tentative business for that day will include business that will not have been concluded in today's Order Paper, as well as business indicated in the Notice Paper.

The tentative business for the morning sitting on Wednesday, 4<sup>th</sup> March, will include questions to the Cabinet Secretaries as approved by the Senate Business Committee as well as motions and questions.

The schedule of questions contains the Ministry of Agriculture and Livestock Development, and the Cabinet Secretary for Youth Affairs, Creative Economy and Sports by Prof. Tom Ojienda, the Senator for Kisumu. Those two Cabinet Secretaries are due to report to the House on their findings on those two statements sought by Sen. Ojienda.

Mr. Speaker, Sir, the business for that afternoon will be any business that will not have been concluded on Tuesday as well.

These are the Bills that are at the Second Reading stage:

- (i) The County Governments (State Officers' Removal from Office) Procedure Bill (Senate Bills No. 34 of 2024);
- (ii) The County Government Laws (Amendment) Bill (Senate Bills No. 52 of 2024);
- (iii) The Street Naming and Property Addressing System Bill (Senate Bills No. 43 of 2024);
- (iv) The Energy (Amendment) Bill (Senate Bills No. 42 of 2023);
- (v) The Environment Laws (Amendment) Bill (Senate Bill No. 23 of 2024);
- (vi) The Assisted Reproductive Technology Bill (National Assembly Bills No. 61 of 2022);

The Bills that are the Committee of the Whole, which include some that are in the Order Paper today are;

- (i) The Sports (Amendment) Bill (Senate Bills No. 33 of 2024);
- (ii) The Office of the County Attorney (Amendment) Bill (Senate Bills No. 47 of 2024);
- (iii) The Public Fundraising Appeals Bill (Senate Bills No. 36 of 2024);
- (iv) The Heritage and Museums Bill (Senate Bills No. 8 of 2023);
- (v) The Environment Laws (Amendment) Bill (Senate Bill No. 23 of 2024);
- (vi) The Statutory Instruments (Amendment) Bill (National Assembly Bills No. 2 of 2023);
- (vii) The Sports (Amendment) (No. 2) Bill (Senate Bills No. 45 of 2024);
- (viii) The County Civic Education Bill (Senate Bills No. 4 of 2024; and,
- (ix) The County Hall of Fame Bill (Senate Bills No. 18 of 2023).

The projected business for Thursday, 5<sup>th</sup> March, 2026, will include business not concluded in the Order Paper for Wednesday, 4<sup>th</sup> March, 2026, and any other business scheduled by the Senate Business Committee.

I thank you Mr. Speaker, Sir, and do hereby lay the Statement on the Table of the Senate.

*(Sen. Cheruiyot laid the document on the Table)*

*(Interruption of Statements)*

**The Speaker** (Hon. Kingi): Thank you, Majority Leader. As I had already directed, I had rearranged today's Order Paper. So, the Clerk will now proceed to call the Order No.8 and, thereafter, we will proceed with 9, 10, 11, 12, 13 and 14.

## **BILL**

### *First Reading*

THE MINING (AMENDMENT) BILL  
(SENATE BILLS NO.22 OF 2025)

*(Order for First Reading read- Read the First Time and Ordered to be referred to the relevant Committee)*

**The Speaker** (Hon. Kingi): Just read Order No.13. Senator Tabitha, I believe you are ready to prosecute Order No.13.

**The Speaker** (Hon. Kingi): Rise, hon. Senators. As we prepare to go to the Committee of the Whole, I just want to remind you that I expect to see all of you tonight in Naivasha because the programme starts very early tomorrow. By 8.30 a.m., we ought to have assembled in the conference room. We are expecting Cabinet Secretary Duale at 10.00 a.m. So, please, purpose to spend the night in Naivasha, so that we start tomorrow in good time.

Thank you.

## **COMMITTEE OF THE WHOLE**

*(Order for Committee read)*

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

IN THE COMMITTEE

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

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THE LABOUR MIGRATION (AMENDMENT) (NO.2) BILL  
(SENATE BILLS NO.42 OF 2024)

**The Temporary Chairperson** (Sen. Veronica Maina): Hon. Senators, you may resume your seats for the Committee of the Whole. We are proceeding on with the Committee of the Whole to consider ---

*(Hon. Senators consulted loudly while upstanding)*

Could you take your seats, Sen. Seki and Sen. Abdul? Sen. Shakila and Minority Leader, please, resume your seats. We are starting with consideration of the President's Memorandum on the Cancer Prevention and Control (Amendment) Bill (National Assembly Bills No.45 of 2022).

THE CANCER PREVENTION AND CONTROL AMENDMENT BILL  
(NATIONAL ASSEMBLY BILLS NO.45 OF 2022)

*(Consideration of His Excellency the  
President's recommendations)*

*The President's Recommendation on Clause 2*

**The Temporary Chairperson** (Sen. Veronica Maina): I invite the Chairperson Standing Committee on Health to move the proposed amendment to Clause 2 of the Bill and explain the meaning, purpose and effects of the recommendation sent to the Committee.

Chairperson, Standing Committee on Health, Sen. Mariam, are you the one taking up that?

*(Sen. Cherarkey spoke off record)*

**Sen. Mariam Omar:** Madam Temporary Chairperson, I beg to move:  
THAT, Clause 2 of the Bill be deleted.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Veronica Maina): Division will be at the end. Next.

Sen. Cherarkey, what is your problem?

**Sen. Cherarkey:** Madam Temporary Chairperson, you remember I was the co-sponsor of the Cancer Prevention and Control (Amendment) Bill (National Assembly Bills No.45 of 2022). I thought you should give guidance in future. I was the co-sponsor because the sponsor was Hon. Rahim Dawood.

I was the co-sponsor and I moved it. It was supported and it is not fair that when the President's recommendation comes, I am not made aware. At least as the co-sponsor,

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I should be made aware. This is because the Committee on Health did not even invite me when they were considering the President's recommendations.

Maybe you can guide. Thank you.

**The Temporary Chairperson** (Sen. Veronica Maina): Sen. Cherarkey, that is a valid concern. I believe the Chairperson of the Standing Committee on Health should have invited you to get the feedback that was received from the President. In future, Chairperson of the Standing Committee on Health, you should be guided on how you should deal with Bills that are sponsored by Members in their private capacity as members. Invite them, let them be part of the process and understand the new recommendations.

So, let us proceed. The President's recommendations on clause 3.

*The President's Recommendations on Clause 3*

**The Temporary Chairperson** (Sen. Veronica Maina): I invite the Chairperson of the Committee on Health to move the proposed amendment to Clause 3 and explain the meaning, purpose and effect of the Committee's recommendation.

**Sen. Mariam Omar:** Madam Temporary Chairperson, I beg to move:  
THAT, Clause 3 of the Bill be deleted.

*(Question of the amendment proposed)*

Division at the end. Next.

*The President's Recommendation on Clause 4*

**The Temporary Chairperson** (Sen. Veronica Maina): I invite Chairperson of the Committee on Health to move the proposed amendment to Clause 4 of the Bill.

**Sen. Mariam Omar:** Madam Temporary Chairperson, I beg to move:  
THAT, clause 4 of the Bill be deleted.

*(Question of the amendment proposed)*

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

**Sen. Cherarkey:** Madam Temporary Chairperson, I seek your guidance.

**The Temporary Chairperson** (Sen. Veronica Maina): What guidance do you need?

**Sen. Cherarkey:** I am feeling a lot of pain because my Cancer Prevention and Control (Amendment) Bill is like a still-born baby. I want just to enrich the conversation about the President's assent and referral.

I think the Table Office should guide us on Article 115 (3), (4) that provides as follows-

(1) Parliament, after considering the President's reservations, may pass the Bill a second time, without amendment, or with amendments that do not fully accommodate the President's reservations, by a vote supported—

(a) by two-thirds of members of the National Assembly; and,

(b) two-thirds of the delegations in the Senate, if it is a Bill that requires the approval of the Senate

What is the net effect in the deletion of clauses because I have just been shown the president's reservations on the deletion of a number clauses? What will be the net effect and interpretation of Article 115, where we have considered the Bill? If we do not reach two-thirds of the Senate County delegations, does it mean the president's reservations falls by the sword and, therefore, my amendments stand?

What happens if two-thirds is met at the National Assembly, but not at the Senate? Does it mean my amendments will continue being alive because it would mean the president's referral have not been acceded to as per Article 115?

Maybe you could give a ruling now or I could wait for a well written ruling at any given opportunity.

**The Temporary Chairperson** (Sen. Veronica Maina): I think as a basic rule, if two-thirds vote is not achieved, you know what will happen to the proposal ideally. I do not think that should serve to stop the process of the Committee of the Whole. We will proceed because the guidelines are well laid out under the Standing Orders and of course, the overarching principles in the constitution.

I now invite the Mover to proceed to move this Bill.

**Sen. Mariam Omar:** Pursuant to Standing Order 153, I beg to move that the Committee of the Whole do report to the Senate its consideration of the President's memorandum on The Cancer Prevention and Control (Amendment) Bill (National Assembly Bills No.45 of 2022) and seeks leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

CONSIDERATION OF THE NATIONAL ASSEMBLY  
AMENDMENTS TO THE METEOROLOGY BILL  
(SENATE BILLS NO.45 OF 2023)

**The Temporary Chairperson** (Sen. Veronica Maina): Honourable Senators, we are now considering the National Assembly amendments to the Bill.

*Clause 7*

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

THAT, Clause 7 of the Bill be amended in sub-clause (2) by—

(a) inserting the words "Civil Aviation Act and the relevant regulations" immediately after of the word "Aviation" appearing in paragraph (d);

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- (a) inserting the following new paragraph immediately after paragraph (f)—
  - (fa) integrate traditional indigenous knowledge with modern science in weather forecasting through participatory scenario planning; and
- (b) inserting the following new paragraph immediately after paragraph (l)—
  - (la) collaborate with the National Drought Management Authority in the development of drought early warning systems;

*(Question of the amendment proposed)*

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

*Clause 12*

**Sen. Faki:** Madam Temporary Chairperson. I beg to move—  
THAT, clause 12 of the Bill be amended —

- (a) in sub-clause (1) by deleting the words “board of directors to be known as the Kenya Meteorological Service Authority Board” and substituting therefor the word “Board”;
- (b) in sub-clause (2)—
  - (i) by deleting the words “in the ministry” appearing in paragraph (b) and substituting therefor the words “for the time being”;
  - (ii) by deleting the words “in the ministry” appearing in paragraph (c) and substituting therefor the words “for the time being”;
  - (iii) by deleting the words “in the ministry” appearing in paragraph (d) and substituting therefor the words “for the time being”;
  - (iv) by inserting the following new paragraph immediately after paragraph (d)—  
“(da) the Principal Secretary for the time being responsible for agriculture or his or her representative”;
  - (v) by deleting the words “his representative” appearing in paragraph (e) and  
substituting therefor the words “a representative”; and
  - (vi) in paragraph (g) by inserting the following new sub-paragraph immediately after sub-paragraph (v)—
  - (vii) drought risk management.

*(Question of the amendment proposed)*

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

*Clause 19*

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

THAT, Clause 19 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

(3) The Board may, where it deems appropriate, co-opt or invite any person who has knowledge and experience in traditional indigenous knowledge on weather forecasting, to act as an advisor or consultant at any of its meetings.

*(Question of the amendment proposed)*

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

*Clause 38*

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

THAT, clause 38 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (3)—

(3) An owner of land may consent in writing to the development of a meteorological observation station, upon agreement being reached with the Authority as to the amount of compensation payable, if any, and any consent so given shall be binding on all parties having an interest in the land.

(4) If any difficulty or question arises as to the amount, entitlement to compensation or person entitled to compensation payable under this Act, the determination shall be made in accordance with the provisions of the relevant written law.

*(Question of the amendment proposed)*

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

*Clause 53*

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

THAT, Clause 53 of the Bill be amended—

(a) in sub-clause (3) by inserting the words “and non-technical” immediately after the word “technical”;

(b) in sub-clause (5) by inserting the words “and non-technical” immediately after the word “technical”; and

(c) by deleting sub-clause (6) and substituting therefor the following new sub-clause—

(6) Despite subsection (3), a technical or non-technical member of staff shall upon the commencement of this Act, be given an option to elect to serve in the Authority or be redeployed in the civil service within a period of one year.

*(Question of the amendment proposed)*

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

*New Clause 43A*

**Sen. Faki:** Madam Temporary Chairperson, I beg to move—  
THAT, the Bill be amended by inserting the following new clause immediately after clause 43—

**43A.** Section 3 of the Air Passenger Service Charge Act is amended in subsection (3) by inserting the words “the Kenya Meteorological Services Authority” immediately after the words “the Kenya Civil Aviation Authority”

*(Question of the New Clause 43A proposed)*

*(New Clause 43A read the First Time)*

*(Question, that the New Clause 43A be read a  
Second Time proposed)*

*(Question, that the New Clause 43A be part of the  
Bill proposed)*

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

*Clause 1*

**Sen. Faki:** Madam Temporary Chairperson, I beg to move—  
THAT, Clause 1 of the Bill be amended by deleting the words “and shall come into operation on such date as the Cabinet Secretary may, by notice in the Gazette, appoint”.

*(Question of the amendment proposed)*

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

**Sen. Faki:** Madam Temporary Chairperson, I beg to move that the Committee of the Whole reports to the Senate its consideration of the National Assembly amendments

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to the Meteorology Bill (Senate Bill No.45 of 2023) and seeks leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Sen. Veronica Maina): We are done with that Bill. We will proceed to the third Bill.

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO  
THE ELECTION OFFENCES (AMENDMENT) (NO.2) BILL  
(SENATE BILLS NO.28 OF 2024)

*Clause 2*

**Sen. Maanzo:** Madam Temporary Chairperson, I beg to move—  
THAT, Clause 2 of the Bill be amended by—

(a) deleting paragraph (a) and substituting therefor the following new paragraph—

(a) in paragraph (h), by inserting the words "or unreasonably delays" immediately after the word "fails";

(b) deleting paragraph (c) and substituting therefor the following new paragraph—

(c) by inserting the following new paragraphs immediately after paragraph (m)—

(n) conducts or holds an election in a polling station which has not been published in the Gazette and publicised through electronic and print media of national circulation and other easily accessible medium;

(o) knowingly or intentionally interferes or alters declared results or knowingly or intentionally causes another person to interfere or alter declared results.

*(Question of the amendment proposed)*

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

*Clause 4*

**Sen. Maanzo:** Madam Temporary Chairperson, I beg to move—  
THAT, the Bill be amended by deleting Clause 4.

*(Question of the amendment proposed)*

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

**Sen. Maanzo:** Madam Temporary Chairperson, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report to the Senate its consideration of the National Assembly Amendments to the Election Offences (Amendment) (No.2), (Senate Bills No.28 of 2024) and seeks leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

*(The Clerks-at-the Table consulted with the Temporary Chairperson)*

**The Temporary Chairperson** (Sen. Veronica Maina): We are moving to the next Bill in a few minutes. We are proceeding with the Public Finance Management (Amendment) (No.4) Bill (National Assembly Bills No.45 of 2024). I invite the Clerk to call out the clauses.

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.4) BILL  
(NATIONAL ASSEMBLY BILLS NO.45 OF 2024)

*Clause 2*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move—  
THAT, Clause 2 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

(aa) by inserting the following new subsection immediately after subsection 7—  
(7A) Notwithstanding subsection (7) Parliament may, by resolution, extend the time for consideration of the Budget Policy Statement by a further seven days.

*(Question of the amendment proposed)*

The Committee noted at the time that this is an annual process that at times, there is a bit of delay from different stakeholders through different committees and it was proposed by the Committee that we give it seven working days.

**The Temporary Chairperson** (Sen. Veronica Maina): Division at the end.  
*Clause 3*

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

Division at the end.

*Clause 4*

**Sen. Tabitha Mutinda:** Thank you, Madam Temporary Chairperson. I beg to move-

THAT, Clause 4 of the Bill be amended in paragraph (a) by inserting the following new paragraph immediately after paragraph (eb)—

(ec) prescribe sustainability reporting standards and formats for reporting by State organs and public entities.

Madam Temporary Chairperson, we did this so as to be a bit more precise with the time period.

*(Question of the amendment proposed)*

*New Clause 1A*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move- THAT the Bill be amended by—

(a) inserting the following new clauses immediately after clause 1 —

Amendment of section 23 of Cap. 412A.	<b>1A.</b> The Public Finance Management Act, hereinafter referred to as the “principal Act”, is amended in section 23 by deleting the words “three months” appearing immediately after the words “not later than” in subsection (1) and substituting therefor the words “two months”.
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*(Question of the New Clause 1A proposed)*

*(New Clause 1A read the First Time)*

*(Question, that the New Clause 1A be read a Second Time proposed)*

*(Question, that the New Clause 1A be part of the Bill proposed)*

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

*New Clause 1B*

Amendment of section 24 of Cap. 412A.	<b>1B.</b> The principal Act is amended in section 24 (10) by deleting the words “three months” appearing immediately after the words “not later than” in paragraph (b) and substituting therefor the words “two months”.
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*(Question of the New Clause 1B proposed)*

*(New Clause 1B read the First Time)*

*(Question, that the New Clause 1B be read a  
Second Time proposed)*

*(Question, that the New Clause 1B be part of the  
Bill proposed)*

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

*New Clause 3A*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move—  
Amendment of section 68 of Cap 412A. **3A.** Section 68 of the principal Act is amended—  
(a) in subsection (2) by deleting the words “three months” appearing immediately after the words “year within” in paragraph (k) and substituting therefor the words “two months”;  
(b) in subsection (4) —  
(i) by inserting the words “or the Auditor-General under Article 229 of the Constitution” immediately after the words “of the Constitution” appearing in the introductory phrase;  
by inserting the words “Auditor-General” immediately after the words “National Treasury” in paragraph (b); and  
(ii) by inserting the following subsection immediately after sub-section (4) —  
“(4A) An accounting officer who does not implement the recommendations made under subsection (4) shall be liable to the penalty provided for under section 199.”

*(Question of the New Clause 3A proposed)*

*(New Clause 3A read the First Time)*

*(Question, that the New Clause 3A be read a  
Second Time proposed)*

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

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

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*New Clause 3B*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move-Amendment of 3B. The principal Act is amended in section 80 by deleting the section 80 of Cap 412A. words “four months” appearing immediately after the words “not later than” in subsection (4) and substituting therefor the words “two months”.

*(Question of the New Clause 3B proposed)*

*(New Clause 3B read the First Time)*

*(Question, that the New Clause 3B be read a Second Time proposed)*

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

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

*New Clause 3C*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move-Amendment 3C. The principal Act is amended in section 81 by deleting the words “three of section 81 months” appearing immediately after the words “not later than” in of Cap 412A. subsection (4) and substituting the words “two months”.

*(Question of the New Clause 3C proposed)*

*(New Clause 3C read the First Time)*

*(Question, that the New Clause 3C be read a Second Time proposed)*

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

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

*Clause 3D*

**Sen. Tabitha Mutinda:** I beg to move-Amendment 3D. The principal Act is amended in section 82 —

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of section 82 (a) by deleting the words “three months” appearing immediately after the  
of Cap 412A. words “not later than” in subsection (3) and substituting therefor the  
words “two months”; and  
(b) by deleting the words “three months” appearing immediately after the  
words “not later than” in subsection (4) and substituting therefor the  
words “two months”.

*(Question of the New Clause 3D proposed)*

*(New Clause 3D read the First Time)*

*(Question, that the New Clause 3D be read a  
Second Time proposed)*

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

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

*New Clause 3E*

**Sen. Tabitha Mutinda:** I beg to move-  
Amendment of section 94 of Cap 412A. 3E. Section 94 of the principal Act is amended in subsection  
(1)(a) by inserting the following new subparagraph immediately  
after subparagraph (ii)—  
(iia) has persistently delayed or failed to remit employee salaries,  
statutory deductions including taxes, pension, social health  
insurance or cooperative societies deductions;

*(Question of the New Clause 3E proposed)*

*(New Clause 3E read the First Time)*

*(Question, that the New Clause 3E be read a  
Second Time proposed)*

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

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

*New Clause 3F*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move-  
Amendment 3F. Section 109 of the principal Act is amended by inserting the

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of section 109 following new subsections immediately after subsection (7) —  
of Cap 412A. (7A) A county shall, every quarter, submit the following additional documents to the Controller of Budget and the National Treasury—

- (a) a statement of statutory deductions status;
- (b) a statement on the county government’s progress in implementing the previous year’s plan for paying its outstanding statutory deductions;
- (c) a certification of payment of previous statutory deductions issued by the relevant statutory institutions; and
- (d) a statement of the county government’s plan for repaying the statutory deductions which shall be accompanied by an agreement signed by the relevant statutory institution accepting the repayment plan.

*(Question of the New Clause 3F proposed)*

*(New Clause 3F read the First Time)*

*(Question, that the New Clause 3F be read a  
Second Time proposed)*

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

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

*New Clause 3G*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move-  
Amendment **3G.** The principal Act is amended in section 115 by deleting the words of section “three months” appearing immediately after the words “not later than” in 115 of Cap subsection (1) and substituting therefor the words “two months”.  
412A.

*(Question of the New Clause 3G proposed)*

*(New Clause 3G read the First Time)*

*(Question, that the New Clause 3G be read a  
Second Time proposed)*

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

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

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*New Clause 3H*

**The Temporary Chairperson** (Sen. Veronica Maina): I invite the mover, Sen. Tabitha.

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move—  
Amendment **3H.** The principal Act is amended in section 116 (7) by deleting the  
of section 116 words “three months” appearing immediately after the words “not later  
of Cap 412A. than” in paragraph (b) and substituting therefor the words “two months”.

*(Question of the New Clause 3H proposed)*

*(New Clause 3H read the First Time)*

*(Question, that the New Clause 3H be read a  
Second Time proposed)*

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

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

*New Clause 3I*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move—  
Amendment **3I.** Section 117 of the principal Act is amended—  
of section 117 (a) in subsection (1) by deleting the expression “by the 28<sup>th</sup> February”  
of Cap 412A. appearing immediately after the words “county assembly,” and  
substituting therefor the expression “by the 7<sup>th</sup> March.”  
(b) in subsection (6) by deleting the word “fourteen” appearing  
immediately after the words “not later than” and substituting  
therefore the word “twenty-one.”

*(Question of the New Clause 3I proposed)*

*(New Clause 3I read the First Time)*

*(Question, that the New Clause 3I be read a  
Second Time proposed)*

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

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

*New Clause 3J*

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

Amendment of section 129 of Cap 412A. **3J.** Section 129 of the principal Act is amended in subsection (2)(a) by deleting the words “except the Finance Bill” appearing immediately after the words “implement the budget”.

*(Question of the New Clause 3J proposed)*

*(New Clause 3J read the First Time)*

*(Question, that the New Clause 3J be read a Second Time proposed)*

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

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

*New Clause 3K*

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

Amendment of section 131 of Cap 412A. **3K.** Section 131 of the principal Act is amended—

- (a) by deleting subsection (2) and substituting therefor the following new subsection—
- (2) The County Executive Committee member for finance shall submit to the County Assembly, on or before 30<sup>th</sup> April, the **County Finance Bill setting out the revenue measures for the County Government** together with a policy statement expounding measures on those measures.
- (b) by inserting the following new subsections immediately after subsection (2)
- (2A) Upon submission of the County Finance Bill under subsection (1), the relevant committee of the County Assembly shall introduce the Bill in the County Assembly.
- (2B) The recommendation of the County Executive Committee member for finance shall be included in a report of the Committee and tabled in the County Assembly
- (2C) The County Assembly shall consider and pass the County Finance Bill in time for it to be presented for assent by 30<sup>th</sup> June each year.

**Sen. Tabitha Mutinda:** This is a serious emphasis especially to all the 47 county assemblies; that the county assembly shall consider and pass the County Finance Bill in time for each to be presented for assent by 30<sup>th</sup> June each year.

*(Question of the New Clause 3K proposed)*

*(New Clause 3K read the First Time)*

*(Question, that the New Clause 3K be read a Second Time proposed)*

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

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

*New Clause 3L*

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

Repeal of **3L.** The principal Act is amended by repealing section 133.  
section 133

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of Cap 412A.

*(Question of the New Clause 3L proposed)*

*(New Clause 3L read the First Time)*

*(Question, that the New Clause 3L be read a  
Second Time proposed)*

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

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

*New Clause 3M*

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

Amendment  
of section 149  
of Cap 412A.

**3M.** The principal Act is amended in section 149—

(a) in subsection (2) by deleting the words “three months” appearing immediately after the words “not later than” in paragraph (k) and substituting therefor the words “two months”;

(b) in subsection (3) by –

(i) inserting the words “or the Auditor-General under Article 229(7) of the Constitution” immediately after the word “Constitution” appearing in the introductory phrase;

(ii) inserting the words “Controller of Budget and Auditor-General” immediately after the words “County Treasury” appearing in paragraph (b).

(c) by inserting the following new subsection immediately after subsection (3)—

(3A) An accounting officer who does not implement the recommendations made under subsection (3) shall be liable to the penalty provided for under section 199.

*(Question of the New Clause 3M proposed)*

*(New Clause 3M read the First Time)*

*(Question, that the New Clause 3M be read a  
Second Time proposed)*

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

**The Temporary Chairperson** (Sen. Veronica Maina): Division will be at the end. Sen. Tabitha, can you approach the Chair for a minute before we proceed.

*(Sen. Tabitha Mutinda consulted with the Temporary Chairperson)*

*New Clause 3N*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move-Amendment **3N.** The principal Act is amended in section 163 by deleting the words of section “four months” appearing immediately after the words “not later than” in 163 of Cap subsection (4) and substituting therefor the words “two months”. 412A.

*(Question of the New Clause 3N proposed)*

*(New Clause 3N read the First Time)*

*(Question, that the New Clause 3N be read a Second Time proposed)*

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

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

*New Clause 30*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move-Amendment **30.** The principal Act is amended in section 164 by deleting the words of section 164 “three months” appearing immediately after the word “within” in the of Cap 412A. introductory phrase to subsection (4) and substituting therefor the words “two months”.

*(Question of the New Clause 30 proposed)*

*(New Clause 30 read the First Time)*

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

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

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

*New Clause 3P*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move-  
Amendment **3P.** The principal Act is amended in section 165 by deleting the words of section “three months” appearing immediately after the words “not later than” in 165 of Cap the introductory phrase to subsection (3) and substituting therefor the 412A. words “two months”.

*(Question of the New Clause 3P proposed)*

*(New Clause 3P read the First Time)*

*(Question, that the New Clause 3P be read a  
Second Time proposed)*

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

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

*New Clause 3Q*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move-  
Amendment **3Q.** The principal Act is amended in section 167 by deleting the words of section 167 “three months” appearing immediately after the words “not later than” in of Cap 412A. subsection (3) and substituting therefor the words “two months”.

*(Question of the New Clause 3Q proposed)*

*(New Clause 3Q read the First Time)*

*(Question, that the New Clause 3Q be read a  
Second Time proposed)*

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

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

*New Clause 3R*

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move—  
Insertion of new Part in Cap 412A.

**3R.** The principal Act is amended by inserting the following new Part immediately after section 186—

#### **Part IVA - FINANCING OF TRANSFERRED FUNCTIONS**

Interpretation  
of this Part.

**186A. In this Part, unless the context otherwise requires—**

“transfer agreement” means the agreement on transfer or delegation of powers, functions or competencies as provided for under section 26 of the Intergovernmental Relations Act.

Cap. 265F.

Application of the Part to transfer of functions.

**186B.** This Part applies to transfer of functions as provided for under Article 187 of the Constitution and sections 24 to 28 of the Intergovernmental Relations Act.

**186C.** (1) Subject to the Constitution, this Act and any other Act of Parliament, and with the approval of the National Assembly and the respective county assembly, transferred functions shall continue to be funded from previous sources as contained in the approved budgets of the transferring level of government.

(2) Where there is need for additional financial resources for a transferred function— (a) the parties shall consult and agree on the need for the additional financial resources; and

(a) the parties shall consult and agree on the need for the additional financial resources; and

(b) the transferring government shall provide the additional financial resources.

(3) The process of approval and disbursement of the additional financial resources in subsection (2) shall be provided for in the transfer agreement between the two levels of government.

Costing of

transferred functions. **186D.** (1) The cost of the transferred functions shall be based on the costing framework provided

in the national and county government budget manuals.

(2) The cost of transferred functions as determined under subsection (1) shall form the basis for the additional financial resources for the transferred functions.

(3) The additional financial resources for transferred functions—

(a) in the case of a county government to the national government for a financial year, shall be provided as a separate schedule in the budget estimates, identifying allocations from the county government revenue and clearly specifying appropriations-in-aid, additional allocations and proceeds from loans and grants; and

(b) in the case of the national government to a county government for a financial year, shall be provided as a separate schedule in the budget estimates, identifying allocations from the national government revenue and clearly specifying appropriations-in-aid, additional allocations and proceeds from loans and grants.

(4) The allocations under subsection (3) shall be included in the budget estimates of both the county and national government and shall be submitted to Parliament and the respective county assembly for approval.

Management of assets and liabilities.

**186E.** (1) A transfer agreement between the two levels of government shall, in addition to the requirements under section 26 of the Intergovernmental Relations Act, include a provision on acquisition, disposal and transfer of assets and liabilities.

(2) Where assets are acquired and liabilities incurred in the duration of a transfer of a function to either level of government, the level of government receiving the functions shall—

(a) keep, maintain and update the register of assets and liabilities in accordance with the applicable law and;

(b) take appropriate measures to ensure that at the end of the transfer period, the assets and liabilities are transferred to the transferring level of government.

(3) The process of transfer of assets and liabilities upon the expiry of the transfer period shall be in accordance with the transfer agreement or as may be prescribed by the Cabinet Secretary in regulations.

Cash flow

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projections in  
relation to the  
transferred functions.

**186F.** (1) The transferring level of government shall prepare cash flow projections based on revenue projections from various sources of revenue.

(2) The transferring level of government shall publish and publicize the cash flow projections within fifteen days of the commencement of the transfer period.

Quarterly and  
annual financial  
and non-financial  
reports.

**186G.** (1) The accounting officer in a county government, in case of a transfer of a function from the national government to a county government, shall prepare and submit quarterly and annual financial and non-financial reports to the Controller of Budget; the National Treasury and the responsible national government entity.

(2) The accounting officer in the national government in case of a transfer of a function from a county government to the national government shall prepare and submit quarterly and annual financial and non-financial reports to the Controller of Budget; the County Treasury; and the responsible county government entity.

(3) The copies of the reports prepared under subsections (1) and (2) shall be submitted to the Senate, the National Assembly, the Auditor General and the respective county assembly in accordance with the Act.

*(Question of the New Clause 3R proposed)*

*(New Clause 3R read the First Time)*

*(Question, that the New Clause 3R be read a  
Second Time proposed)*

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

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

*The Title and Clause 1*

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

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

Sen. Wakoli, can you approach the Chair, please?

*(Sen. Wafula consulted with the Temporary Chairperson)*

I now invite the Mover, Sen. Wafula Wakoli, to move the amendments to the Public Finance Management Amendment No.4 (National Assembly Bills No.45 of 2024). Sen. Wakoli, proceed.

**Sen. Wafula:** Thank you, Madam Temporary Chairperson.

*(Loud consultations)*

I would like to request the loud consultations to be lowered.

Madam Temporary Chairperson, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report to the Senate its Consideration of the Public Finance Management Amendment No.4 (National Assembly Bills No.45 of 2024), and seek to leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

THE LABOUR MIGRATION AND MANAGEMENT (NO.2)  
(SENATE BILLS NO.42 OF 2024)

**The Temporary Chairperson** (Sen. Veronica Maina): We are proceeding to the next Bill; the Labour Migration and Management No.2 (Senate Bills No.42 of 2024). I would like to invite the Clerk to read out the clauses.

*Clauses 3-10*

*(Question, that Clauses 3, 4, 5, 6, 7, 8, 9 and 10, be part of the Bill proposed)*

Division will be at the end.

*(Loud consultations)*

Senators, please, consult in low tones.

*Clauses 11-17*

*(Question, that Clauses 11, 12, 13, 14, 15, 16*

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*and 17 be part of the Bill, proposed)*

Division will be at the end.

*Clause 18*

**The Temporary Chairperson** (Sen. Veronica Maina): The Chairperson, Standing Committee on Labor and Social Welfare, Sen. Crystal Asige, please, move this.

**Sen. Crystal Asige:** Thank you, Madam Temporary Chairperson. I beg to move—  
THAT clause 18 of the Bill be amended in subclause (1) by  
(a) deleting (d) and substituting therefor the following new paragraph —  
(d) market viability;  
(b) deleting paragraph (e).

*(Question of the amendment proposed)*

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

*Clause 19*

**Sen. Crystal Asige:** Madam Temporary Chairperson, I beg to move—  
THAT Clause 19 of the Bill be amended in subclause (2) by—  
(a) deleting the word “and” appearing immediately after the words “certificate of registration in paragraph (a);”  
(b) inserting the following new paragraph immediately after paragraph (a)—  
(aa) in the name of the private employment agency and shall not be transferable to any other person or entity.

*(Question of the amendment proposed)*

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

*Clause 20*

**Sen. Crystal Asige:** Thank you, Madam Temporary Chairperson. I beg to move—  
THAT clause 20 of the Bill be amended by inserting the following new subclause immediately after subclause (3)—  
(4) A person who provides false or misleading information in relation to the matters specified in subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.

*(Question of the amendment proposed)*

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

*Clauses 21-25*

*(Question, that Clauses 21, 22, 23, 24 and 25 be part of the Bill, proposed)*

Division will be at the end.

*Clause 26*

**Sen. Crystal Asige:** Thank you, Madam Temporary Chairperson. I beg to move- THAT Clause 26 of the Bill be amended by deleting the word “may” appearing immediately after the words “The Authority” and substituting therefor the word “shall”.

*(Question of the amendment proposed)*

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

*Clauses 27- 36*

*(Question, that Clauses 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 be part of the bill, proposed)*

Division will be at the end.

*Clauses 37- 42*

*(Question, that, Clauses 37, 38, 39, 40, 41, and 42 be part of the Bill, proposed)*

Division will be at the end.

*Clause 43*

**Sen. Crystal Asige:** Madam Temporary Chairperson, I beg to move- THAT, Clause 43 of the Bill be amended in subclause (1) by deleting the word “may” appearing immediately after the words “national government” and substituting therefor the word “shall”.

*(Question of the amendment proposed)*

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

*Clauses 44-48*

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

Division will be at the end.

*Clause 49*

**Sen. Crystal Asige:** Thank you, Madam Temporary Chairperson. I beg to move—  
THAT, Clause 49 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (o) —  
(oa) reintegration services and programs including recognition of skills and qualifications acquired abroad.

*(Question of the amendment proposed)*

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

*Clauses 50 and 51*

*(Question, that Clauses 50 and 51 be part of the Bill, proposed)*

Division will be at the end.

*The Schedule*

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

Division will be at the end.

*Clause 2, the Title, and Clause 1*

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

Division will be at the end.

**The Temporary Chairperson** (Sen. Veronica Maina): I now invite the Mover, Sen. Tabitha Mutinda, to move this Bill.

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Sen. Tabitha Mutinda, please, approach the Chair.

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I beg to move that the Committee of the Whole do report progress on its consideration of the Labour Migration and Management (No.2) Bill (Senate Bills No. 42 of 2024) and seeks leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

#### THE TOBACCO CONTROL (AMENDMENT) BILL

**The Temporary Chairperson** (Sen. Veronica Maina): Hon. Senators, we are proceeding to the Committee of the Whole on the Tobacco Control (Amendment) Bill (Senate Bills No. 35 of 2024). I invite the Clerk to call out the clauses.

#### *Clause 3*

**The Temporary Chairperson** (Sen. Veronica Maina): Hon. Senators, I will invite Sen. Catherine Mumma to move the amendment.

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

THAT the Bill is amended by deleting Clause 3 and substituting therefor the following

**Amendment of section 5 of Cap 245A** **3.** The Principal Act is amended by deleting section 5 and substituting therefor the following new section –

**Establishment of the Tobacco Control Advisory Committee** 5. There is established the Tobacco Control Advisory Committee.

**Membership of the Committee**

5A. (1) The Committee shall comprise of –

(a) a chairperson appointed by the Cabinet Secretary;

(b) the Principal Secretary responsible for matters relating to public health or a designated representative;

(c) the Principal Secretary for the National Treasury or a designated representative;

(d) the Director-General for health or a designated representative;

(e) the chairperson of the Council of County Governors health committee or a designated

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representative;

(f) one person with special expertise on matters relating to tobacco, nominated by the Council of County Governors;

(g) one person representing the Kenya business community, nominated by the Kenya National Chamber of Commerce and Industry

(h) one person nominated by the Kenya Medical Association;

(i) one person representing non-governmental organizations involved in matters relating to tobacco control; and

(j) the chief executive officer of Kenya National Youth Council or a designated representative.

(2) The members of the Committee, other than ex-officio members, shall be appointed by the Cabinet Secretary, by notice in the Gazette.

**Disqualification from the position of a member of the Committee.**

5B. (1) A person shall not be appointed as a member of the Committee if that person—

(a) is an employee, agent, or representative of a person, company, or association engaged in the manufacture, sale, or distribution of tobacco or tobacco products; or

(b) has any direct or indirect pecuniary interest in the tobacco industry; or

(c) has contravened the Conflict-of-Interest Act.

(2) A member who fails to disclose his or her affiliation to the tobacco industry or its subsidiary commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or imprisonment for a period not exceeding five years or both.

**Qualifications of a chairperson of the Committee**

5C. A person is qualified for appointment as the Chairperson of the Committee, if the person has at least ten years of experience in public health, five of which shall be at a senior management level.

**The office tenure of the chairperson and members**

5D. (1) The Chairperson shall hold office for a term of three years and shall be eligible for re-appointment for one further term of five years.

<b>of the committee</b>	(2) The members of the committee appearing in subsection (1)(f) to (i), shall hold office for a term of three years and are eligible for re-appointment for one further term of three years.
<b>Powers of the committee to invite a person to the committee</b>	5E. The Committee may invite any person, who is not affiliated to the tobacco industry, to attend a meeting of the Committee for the purpose of assisting or advising the committee on any particular matter, but such person shall have no right to vote at the meeting.
<b>Powers of the committee regulate its own procedures.</b>	5F. (1) Subject to this Act and to any general or special directions in writing by the Cabinet Secretary, the committee shall regulate its own procedures.  (2) Subject to subsection (1), the Committee may amend its own procedures for the better carrying out of its functions
<b>Committee expenses</b>	5G. The expenses of the Committee shall be defrayed out of monies appropriated by the National Assembly for that purpose.
<b>Remuneration of the Committee members</b>	5H. The Chairperson and members of the Committee shall be paid by the Cabinet Secretary responsible for matters relating to Health, such allowances as shall be advised by the Salaries and Remuneration Commission.
<b>Secretariat</b>	5I. The secretariat of the Committee shall be provided by the unit responsible for tobacco control at the Ministry responsible for Health.

*(Question of the amendment proposed)*

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

*Clause 4*

**Sen. Mariam Omar:** Madam Temporary Chairperson, I beg to move that-  
THAT the Bill be amended by deleting clause 4 and substituting therefor the following –

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THAT clause 4 of the Bill is amended by deleting paragraph (a) (ii) and substituting therefor the following new paragraph –

(ii) deleting paragraph (f) and substituting therefor the following new paragraph –

(f) a solatium compensatory contribution payable by any licensed tobacco product manufacturers or importers in the country as may be determined by the Committee.

**The Temporary Chairperson** (Sen. Veronica Maina): Hon. Senators, there is a further amendment by Sen. Mumma under Clause 4.

Sen. Mumma, you may proceed.

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

THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following-

Amendment 4. Section 7 of the principal Act is amended –  
to section 7

of Cap 245A (a) in subsection (2) by deleting the word “cigarette” appearing immediately after the words “by any licensed” in paragraph (f) and inserting the words “tobacco product”; and

(b) in subsection (4) by inserting the following new paragraph immediately after paragraph (a) –

(aa) treatment of chronic illnesses caused by the use of tobacco products.

*(Question of the amendment proposed)*

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

*Clause 5*

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

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

*Clause 6*

**Sen. Mumma:** Madam Temporary Speaker, I beg to move-

THAT the Bill be amended by deleting clause 6 and substituting therefor the following-

Amendment of section 12 of Cap 245A 6.

Section 12 of the Principal Act be amended by inserting the following new paragraph immediately after paragraph (b) – (bb) undertake periodical review and adjustment of tax rates to ensure they reflect current public health objectives and inflation.

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**The Temporary Chairperson** (Sen. Veronica Maina): Hon. Senators, there is a further proposal for amendment on the clause by the Chairperson, Standing Committee on Health. I am informed that you are withdrawing that proposal. Sen. Mariam Omar, can you proceed?

**Sen. Mariam Omar:** Madam Temporary Chairperson, I beg to withdraw the further amendments on Clause 6, and the only difference is “undertaking the opposition to conduct”, so I withdraw

**The Temporary Chairperson** (Sen. Veronica Maina): Thank you, Senator. The Secretariat notes the withdrawal.

*(Proposed amendment to Clause 6 by Sen. Mariam Omar withdrawn)*

*(Question of the amendment proposed)*

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

*Clause 7*

**Sen. Mariam Omar:** Madam Temporary Chairperson, I beg to move that – THAT Clause 7 of the Bill be amended—

- (a) in the proposed section 14A by deleting the words “a disposable” appearing immediately after the words “ten milliliters, in” in paragraph (a) and substituting therefor the word “an”.
- (b) in the proposed section 14E by –
  - (i) deleting the proposed subsection (2) and substituting therefor the following –
    - (2) The Cabinet Secretary shall cause the samples submitted to be tested by the Kenya Bureau of Standards —
      - (a) for conformity with the requirements under the Act; and
      - (b) to confirm the accuracy of the information submitted in the request for approval.
    - (ii) deleting the proposed subsection (3).

**The Temporary Chairperson** (Sen. Veronica Maina): Hon. Senators, there is a further amendment on this clause by Sen. Mumma.

- Sen. Mumma:** Madam Temporary Chairperson, I beg to move that – THAT Clause 7 of the Bill is amended –
- (a) in the proposed section 14A –
    - (i) by renumbering the existing section as sub-section 14A (1);
    - (ii) paragraph (b) by deleting the words “ten milligramspers” appearing immediately after the words “nicotine exceeding” and substituting therefor the words “twenty milligrams per”; and
    - (iii) inserting the following new sub section immediately after the proposed subsection 14A (1) —
      - (2) A person who contravenes sub-section (1) commits an offence and is liable on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both.

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- (b) in the proposed section 14B —
  - (i) by renumbering the existing section as sub-section 14B (1);
  - (ii) paragraph (c) by deleting the words “10 milligrams” appearing immediately after the words “does not exceed” and substituting therefor the words “twenty milligrams”;
  - (iii) by deleting paragraph (d);
  - (iv) by inserting the following provision immediately after the proposed subsection 14B (1) —

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or both.

- (c) in the proposed section 14D by inserting a new paragraph (g) immediately after paragraph (f) as follows –

(g) such other information as may be prescribed by the Cabinet Secretary.

- (d) in the proposed section 14J by deleting the introductory phrase and substituting therefor the following –

A person shall not manufacture, sell, distribute, or import a tobacco product that contains —

*(Question of the amendment proposed)*

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

*Clause 8*

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

THAT, the Bill is amended by deleting clause 8 and substituting therefor the following new clauses —

**THAT** the Bill is amended by deleting clause 8 and substituting therefor the following new clauses —

**Amendment 8.** Section 15 of the principal Act is amended by deleting **of section 15 of Cap** subsection (5) and substituting therefor the following new subsections —

**245A**

(5) No person shall manufacture or sell —

(a) objects including sweets, snacks, toys, cartoon characters, popular youth motifs, or other similar objects that would reasonably appeal to persons under the age of eighteen years in designs that resemble tobacco products; or

(b) any tobacco product in designs that imitate sweets, snacks, toys, cartoon characters, popular youth motifs, or other similar objects that would reasonably appeal to persons under the age of eighteen years.

(5A) A person shall not sell a tobacco product within a radius of one hundred meters from any place primarily serving persons under the age of eighteen years.

*(Question of the amendment proposed)*

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

*Clause 9*

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

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

*Clause 10*

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

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THAT Clause 10 of the Bill is amended in the proposed section 19A (1) by deleting the word “online” appearing immediately after the words “nicotine delivery systems” and substituting therefor the words “through an online platform or any form of e-commerce.”

*(Question of the amendment proposed)*

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

*Clause 11*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move that -  
THAT Clause 11 of the Bill is amended by deleting the proposed section 20B.

*(Question of the amendment, proposed)*

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

*Clause 12*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move that-  
THAT the Bill is amended by deleting Clause 12 and substituting therefor the following new clause –

**Amendment of section 21 of Cap 245A** 12. Section 21 of the Principal Act is amended by –  
deleting subsection (2) and substituting therefor the following new subsections –

(2) Every package containing a tobacco product shall —

(a) bear a health warning in English and Kiswahili covering seventy-five percent of the principal display areas on the front and back of the package;

(b) have the warning printed in black text on a white background in a manner that contrasts with any other material on the package; and

(c) bear a statement of the harmful constituents of the tobacco product in a conspicuous and prominent format on the right-hand side of the package.

(2A) A person shall not —

(a) dispense with or modify the requirements specified in subsection (2);  
or

(b) manufacture, sell, distribute, or import a tobacco product unless it complies with plain packaging requirements prescribed by the Cabinet Secretary.

(2B) The Cabinet Secretary shall not dispense with or modify any requirement under subsection (2) in favour of any tobacco product or a person dealing with tobacco products.

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(b) deleting the words “specified in the schedule” appearing immediately after the words “warning labels” and substituting therefor the words “prescribed by the Cabinet Secretary under section 53 through regulations” in subsection (3);

(c) deleting the words “five hundred thousand shillings” appearing immediately after the words “fine not exceeding” and substituting therefor with the words “one million shillings” in subsection (6).

*(Question of the amendment proposed)*

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

*Clause 13*

*(Question, that Clause 13 be part of the Bill proposed)*

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

*Clause 14*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move that—  
THAT, clause 14 of the Bill is amended by deleting the words “whether online or offline” appearing immediately after the words “related components”.

*(Question of the amendment proposed)*

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

*Clause 15*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move that—  
THAT, the Bill is amended by deleting clause 15 and substituting therefor the following new clauses—

**Amendment of section 33** 15. Section 33 of the Principal Act is amended by –

**of Cap 245A** (a) deleting subsection (2) and substituting therefor the following new subsection (2) –

(2) Without prejudice to the generality of subsection (1) —

(a) smoking is permanently prohibited in the following areas —

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- (i) institutions of basic education and training;
- (ii) places of worship;
- (iii) hospitals, clinics and other health institutions;
- (iv) children's homes, child care facilities, children playgrounds;
- (v) residential houses and such other premises where children are cared for;
- (vi) public service vehicles, passenger vehicles, school buses and vans, commercial passenger aircrafts, commuter boats, ferries; and
- (vii) police cells; and
- (b) smoking is prohibited in the following areas except in designated smoking areas
  - (i) offices and workplaces, including corridors, lounges, eating areas, reception areas, lifts, escalators, foyers, stairwells, toilets, laundries, amenity areas of such places;
  - (ii) court buildings;
  - (iii) factories;
  - (iv) cinema halls, theatres, video houses, such other halls or places of performance, disco halls or any other entertainment facilities at any time during which it is open to the public;
  - (v) restaurants, hotels, bars or other eating place;
  - (vi) prisons;
  - (vii) police stations;
  - (viii) aircrafts, passenger ships, or any other public conveyance;
  - (ix) education facilities other than institutions of basic education and training;
  - (x) railway stations, airports, air fields, ports, and other public transport terminals;
  - (xi) markets, shopping malls and retail and wholesale establishments;
  - (xii) stadia, sports and recreational facilities; and
  - (xiii) public buildings.
- (b) deleting the word "Board" appearing immediately after the words "conditions as the" and substituting therefor the word "Committee" in subsection (4).

*(Question of the amendment proposed)*

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

*Clause 16*

*(Question, that Clause 16 be part of the Bill proposed)*

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

*Clause 17*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move that –  
THAT Clause 17 of the Bill is amended-

(a) by deleting paragraph (a) and substituting therefor the following new paragraph –

(a) by deleting the introductory phrase and substituting therefor the following new paragraph –

(1) The Cabinet Secretary may, on recommendation of the Committee, and in consultation with the County Governments, make regulations.

(b) in paragraph (b) by inserting a new paragraph (g) immediately after paragraph (f) in the proposed subsection (1A) as follows –

(a) prescribe health messages to be displayed on every package containing a tobacco product.

*(Question of the amendment proposed)*

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

*New Clause 2A*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move-  
THAT the Bill is amended by inserting the following new clause immediately after Clause 2-

Amendment  
of Section 4

2A. Section 4 of the Principal Act is amended –

of Cap 245A

(a) by deleting the word “Board” appearing immediately after the words “recommendation of the” and substituting therefor the word “committee” in the introductory phrase; and

(b) by deleting the word “Board” appearing immediately after the words “provide to the” and substituting therefor the word “committee” in paragraph (d).

**The Temporary Chairperson** (Sen. Veronica Maina): I invite the Chairperson, Standing Committee on Health.

Sen. Mariam, step in for the Chairperson and proceed.

**Sen. Mariam Omar:** Madam Temporary Chairperson, I beg to move that New Clause 2A to be read a Second Time.

*(Question of the 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. Veronica Maina): Division will be at the end.

*New Clause 3A*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill is amended by inserting the following new clause immediately after Clause 3 —

Amendment  
of Section 6  
of Cap 245A

3A. The Principal Act is amended in section 6 by –

- (a) deleting the word “Board” appearing immediately after the words “Functions of the” and substituting therefor the word “Committee” in the section heading; and
- (b) deleting the word “Board” appearing immediately after the words “functions of the” and substituting therefor the word “Committee” in the introductory phrase.

*(Question of the New Clause 3A proposed)*

*(New Clause 3A read the First Time)*

*(Question, that New Clause 3A be read a Second Time, proposed)*

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

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

*New Clause 6A*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill is amended by inserting the following new clause immediately after Clause 6 —

Amendment 6A. Section 14 of the Principal Act be amended in of  
 Section 14 of Cap 245A section (2) by inserting the word “product”  
 immediately after the word “tobacco”.

*(Question of the New Clause 6A proposed)*

*(New Clause 6A read the First Time)*

*(Question, that New Clause 6A be  
 read a Second Time, proposed)*

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

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

*New Clause 8A*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move-  
 THAT the Bill is amended by inserting the following new clause immediately  
 after Clause 8—

Amendment 8A. Section 16 of the Principal Act is amended in  
 of Section (a) subsection (2) by —  
 16 of Cap 245A (i) deleting the expression “12” by “8”  
 appearing in paragraph (a) and substituting  
 therefor the expression “20” by “12”;  
 (ii) deleting the words “black on a white  
 background or white on a black background” appearing in  
 paragraph (b) and substituting therefor the words “red on a  
 white background”;  
 (b) subsection (3) by deleting the words “fifty thousand  
 shillings, or to imprisonment for a term not exceeding six months”  
 and substituting therefor the words “five hundred thousand  
 shillings, or to imprisonment for a term not exceeding one year.”

*(Question of the New Clause 8A proposed)*

*(New Clause 8A read the First Time)*

*(Question, that New Clause 8A be  
 read a Second Time, proposed)*

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

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

*New Clause 12A*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move-  
 THAT the Bill is amended by inserting the following new clauses immediately after Clause 12 –

Amendment of  
 Section 21

of Cap 245A 12A. The Principal Act is amended by inserting the  
 following new sections immediately after section 21 –

Registration of dealer

21A. (1) A person shall not undertake  
 an activity relating to the manufacture,

importation, sale, or distribution of a  
 tobacco product unless the person is  
 registered by the Ministry responsible  
 for health

(2) The Cabinet Secretary may prescribe the  
 conditions and the manner for the registration under  
 this section.

(3) Any registration fee levied under this  
 section shall be payable into the Fund.

(4) A person who contravenes this section  
 commits an offence and is liable on conviction, to a  
 fine not exceeding three million shillings, or to  
 imprisonment for a term not exceeding three years,  
 or to both.

Prohibition  
 of single use plastics

21B. (1) A person shall not manufacture,  
 sell, distribute, or import a  
 tobacco product, its packaging,  
 or a disposable electronic  
 delivery system that uses  
 single-use plastics.

(2) A person who  
 contravenes subsection (1) commits  
 an offence and is liable on  
 conviction, to a fine not exceeding  
 ten million shillings or to  
 imprisonment for a term not  
 exceeding five years, or to both.

*(Question of the New Clause 12A proposed)*

*(New Clause 12A read the First Time)*

*(Question, that New Clause 12A be read a Second Time, proposed)*

*(Question that New Clause 12A be part of the Bill proposed)*

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

*New Clause 16A*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move-  
 THAT the Bill is amended by inserting the following new clauses immediately after Clause 16 –

Amendment  
 of Section 35  
 of Cap 245A

16A. The Principal Act is amended in section 35 –

(a) by deleting subsection (2) and substituting therefor the following new subsection –

(2) A designated smoking area shall be —

(a) a fully enclosed, separate room, isolated from non-smoking areas, with walls, a ceiling, and a self-closing door sealed to prevent air leakage;

(b) equipped with an independent ventilation system that —

(i) exhausts air directly to the outside without recirculation;

(ii) maintains negative air pressure relative to adjacent areas;

(iii) is certified by a qualified engineer to prevent smoke or aerosol drift to non-smoking areas;

(iv) inaccessible to non-smokers for any purpose during smoking or use of an electronic delivery system;

(v) cleaned and maintained only when no smoking or use of an electronic delivery system is occurring, with measures to protect workers from residual contaminants;

(vi) clearly marked with signs in English and Kiswahili indicating it is a designated smoking

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area and warning of health risks, as prescribed by the Cabinet Secretary.

*(Question of the New Clause 16A proposed)*

*(New Clause 16A read the First Time)*

*(Question, that New Clause 16A be read a Second Time, proposed)*

*(Question that New Clause 16A be part of the Bill proposed)*

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

*New Clause 18*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill is amended by inserting the following new clause immediately after Clause 17 –

Repeal of the 18. The Principal Act is amended by deleting the  
Schedule of schedule  
Cap 245A

*(Question of the New Clause 18 proposed)*

*(New Clause 18 read the First Time)*

*(Question, that New Clause 18 be read a Second Time, proposed)*

*(Question that New Clause 18 be part of the Bill proposed)*

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

*Clause 2*

**Sen. Mumma:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill is amended by deleting Clause 2 and substituting thereof the following—

Amendment of Section 2 of Cap 245A 2. The Tobacco Control Act, in this Act referred to as “the principal Act”, is amended in section 2 by —

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- (a) deleting the definition of the word “Board”;
- (b) deleting the definition of the word “cinema”;
- (c) deleting the definition of the word “ingredients” and substituting therefor the following new definition—
  - “ingredients” means the substances added to tobacco products during the manufacturing process or arising from agricultural practices, including —
    - (i) tobacco, nicotine and chemicals used in the creation of aerosol or vapour in electronic cigarettes and related products;
    - (ii) components and materials used in the manufacture of those components;
    - (iii) additives and processing aids;
    - (iv) residual substances resulting from agricultural practices, storage and processing; and
    - (v) substances that migrate from the packaging material into the product or are otherwise present in the product;
- (d) deleting the definition of the word “information advertising”
- (e) deleting the definition of the word “manager” and substituting therefor the following new definition —
  - “manager” means “manager” means the owner, occupier, lessee, or a person in-charge or in control of the specified institution, place or premises.
- (f) deleting the definition of the term “specially designated smoking area”
- (g) deleting the definition of the word “smoking” and substituting therefor the following new definition —
  - “smoking” means inhaling or exhaling the smoke or vapor of any tobacco product or any other substance delivered through electronic means, and includes the holding of, or control over, any ignited or activated tobacco product, device containing an ignited or activated tobacco product, or electronic delivery System or other substances via vaporising;
- (h) deleting the definition of the term “tobacco product” and substituting therefor the following —
  - “tobacco product” means any product whether composed in whole or in part of —
    - (a) tobacco, including tobacco leaves and any extract of thereof;
    - (b) nicotine from any source, including synthetic nicotine formulations; or
    - (c) nicotine analogues; intended for use by smoking, inhalation, chewing, sniffing, vaping or sucking or to be consumed by any other means, and includes cigarette papers, tubes, filters, any electronic delivery systems, and the solutions or liquids intended for use in such devices;
  - (i) inserting the following new definitions in their proper alphabetical sequence —

“additive” means a substance, other than tobacco, that is added to a tobacco product, unit pack or container pack during manufacturing process or through agricultural practices;

“Advertisement” means the promotion of a tobacco product by means of its brand characteristics.

“characterising flavour” means a smell or taste other than one of tobacco which —

(a) is clearly noticeable before, during or after consumption of the product; and

(b) results from an additive or a combination of additives, including fruit, spice, herbs, alcohol, candy, menthol or related flavours;

“Committee” means the Tobacco Control Advisory Committee established under section 5 of the Act

“electronic cigarette” means a product that —

(a) can be used for the consumption of nicotine-containing vapour via a mouth piece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank (regardless of whether the product is disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges); and

(b) is not a medicinal substance or a medical device as defined in the Pharmacy and Poisons Act;

“electronic nicotine delivery system” means an electronic device, and any associated accessories, components, or parts, that is designed, manufactured, or capable of being used to —

(a) aerosolize, vaporize, or otherwise convert a substance into an inhalable form; and

(b) deliver such aerosol, vapour, or other substance to a person through inhalation, whether or not the substance contains nicotine, and includes but is not limited to electronic cigarettes, electronic cigars, electronic cigarillos, electronic hookahs, vape pens, vape pods, and similar devices, regardless of their shape, size, or appearance;

“institution of basic education and training” has the meaning assigned to it under the Basic Education Act (Cap 211);

“nicotine pouch” means a prefilled packet containing powdered nicotine or nicotine analogues;

“tobacco smoke” means—

(a) smoke, fumes, gases, or particulate matter produced by the burning, heating, or combustion of tobacco or any tobacco product; and

(b) aerosol, vapour, or emissions produced by the use of an electronic delivery system, and includes any combination thereof, whether visible or invisible, that is released into the air and capable of being inhaled by persons in the vicinity.

“unit pack” means the smallest individual packaging in which a tobacco product or related product is, or is intended to be, presented for retail sale.

*(Question of the amendment proposed)*

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

*New Clause 1A*

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

THAT the Bill is amended by inserting the following new clause immediately after clause 1 – Amendment of the long title of Cap 245A 1A. The Long Title of the Principal Act is amended by deleting the words “Tobacco Control Board” appearing immediately after the words “provide for the” and substituting therefor the words “Tobacco Control Advisory Committee”

*(Question of the New Clause 1A proposed)*

*(New Clause 1A read the First Time)*

*(Question, that New Clause 1A be read a Second Time, proposed)*

*(Question that New Clause 1A be part of the Bill proposed)*

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

*The Title*

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

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

*Clause 1*

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

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

Sen. Cathy, please approach the Chair.

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

**Sen. Mumma:** Madam Temporary Chairperson, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of the Tobacco Control (Amendment) Bill (Senate Bills No.35 of 2024) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Sen. Veronica Maina): Hon. Senators, we will now move to the last Bill in the Committee of the Whole. This is not too long. Therefore, keep your energies up.

THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT)  
BILL (SENATE BILLS NO.2 OF 2024)

I request the Clerk to call out the clauses. Amendments will be moved by the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights. Standing in for him is Sen. Maanzo. Sen. Maanzo, kindly approach the Chair.

*(Sen. Maanzo consulted with the Temporary Chairperson)*

*Clause 2*

**Sen. Maanzo:** I beg to move-

THAT, Clause 2 of the Bill be amended—

- (a) in paragraph (a) by deleting the words “a marginalized group” appearing immediately after the words “two candidates representing” in the proposed new paragraph (f)(ii) and substituting therefor the words “minority groups within the county”; and
- (b) in paragraph (c) by deleting the words “are persons with disability” appearing immediately after the words “a county assembly” in the proposed new subsection (8) and substituting therefor the words “or two members, whichever is greater, are persons with disability”.

*(Question of the amendment proposed)*

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

*Clause 3*

I propose the question that Clause 3 be part of the Bill and invite Sen. Maanzo to move this amendment.

**Sen. Maanzo:** I beg to move-

THAT Clause 3 of the Bill be amended—

(a) in paragraph (a) by deleting the proposed new subsection (1) and substituting therefor the following—

(1) In addition to the members who are elected under Article 177(a) of the Constitution, the members who are nominated under Article 177(b) of the Constitution, and the speaker, a county assembly shall comprise—

(a) two nominated members, being one man and one woman, representing the youth;

(b) two nominated members, being one man and one woman, representing minority groups within the county; and

(c) five percent of the total number of members contemplated in Article 177(a) and 177(b) of the Constitution, and paragraphs (a) and (b) of this subsection or two members, whichever is greater, nominated to represent persons with disability.

(b) in paragraph (b) by deleting the proposed new paragraph (aa) and substituting therefor the following new paragraphs —

(aa) there is representation of the various categories of disability including permanent physical, mental, intellectual, neurodivergent, developmental or sensory impairments;

ab) due consideration is given to intersecting forms of discrimination shaped by gender, age, ethnicity, geographical location, social economic status and disability.

(c) by inserting the following new paragraph immediately after paragraph (b)—

(d) by deleting subsection (3) and substituting therefor the following new subsection—

(3) The number of members nominated under subsection (1)(c) shall—

(a) be reviewed to accord with the number of wards determined by the Independent Electoral and Boundaries Commission under section 26(3)(a); and

(b) take into account members with disability elected under Article 177(1)(a) of the Constitution.

*(Question of the amendment proposed)*

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

*The Title and Clause 1*

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

Division will be at the end

Thank you.

I now call upon the Mover of this Bill, Sen. Crystal Asige, to move the Committee to report.

**Sen. Crystal Asige:** Thank you, Madam Temporary Chairperson.

I beg to move that the County Governments Election Laws (Amendment) Bill (Senate Bills No.2 of 2024) ---

Pardon me, can I take that again?

**The Temporary Chairperson** (Sen. Veronica Maina): Yes, please, you can take it again.

**Sen. Crystal Asige:** Madam Temporary Chairperson, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report on its consideration of the County Government Election Laws Amendment) Bill (Senate Bills No. 2 of 2024) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Sen. Veronica Maina): Hon. Senators, we are done with the Committee of the Whole.

*(The House resumed)*

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

*(Interruption of Committee of the Whole)*

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATION FROM MOMBASA YOUTH COUNCIL

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, I have a communication to make about a visiting delegation from the Mombasa Youth Council (MYC).

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon of a visiting delegation of youth leaders from MYC. The delegation is in the Senate on a courtesy call to Sen. Miraj Abdullahi MP.

Hon. Senators, MYC is a youth-led, non-partisan representative body that brings together young people from across all the 30 wards of Mombasa County through their

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elected youth Members of County Assemblies (MCAs) providing a unified and legitimate voice for youth in governance and development.

The Council promotes meaningful youth participation in decision-making while upholding leadership accountability and inclusivity. MYC operates under four key thematic areas; youth leadership and policy advocacy; education, arts and innovation; health and social well-being and climate and environmental action.

Through these pillars, the Council works closely with the county and national government, civil society and development partners to empower young people, strengthen social cohesion and advance sustainable youth-led solutions for Mombasa County.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation and on behalf of the Senate and on my own behalf, wish them a fruitful visit. I thank them for their patience because we wanted them to sit into a session that does not usually seem attractive to the media, but when we are actually doing the making of the law. We are glad that you were able to sit in during this session. We thank you for your patience.

I would like to invite Sen. Miraj, Sen. Faki and Sen. Crystal Asige to welcome them in two minutes. The three Senators from Mombasa County to each have three minutes to welcome the delegation.

Thank you.

**Sen. Miraj:** Nakushukuru Bi. Spika wa Muda kwa kuwatambua vijana wetu maridadi ambao wameelimika na wamefanya tuheshimiwe kama gatuji la Mombasa. Fursa hii ya uwepo wenu hapa sio tu ya kuja kuonekana mumefika, bali, ni uwepo wa matumaini na uwajibikaji kwa vijana ambao wamebaki kule Mombasa. Nawapongeza kwa kazi nzuri ambayo mumeendelea kufanya.

Lakini pia niwakumbushe ya kwamba, vijana sio viongozi wa kesho ama baadaye, ni viongozi wa sasa na leo. Hivyo basi, mna jukumu katika mabega yenu ya kuwa kielelezo chema kwa wale ambao wamebaki kule nyuma. Nawaomba msichoke kutuwajibisha, kutusukuma na kutuuliza masawali pale ambapo mnaona mambo yanakwenda kombo.

Hamko hapa kuonekana bali kwa sababu demokrasia na Katiba yetu ya Kenya imewatambua. Seneti ni mahali ambapo sheria zinabuniwa, sheria zinalazimishwa kutekelezwa na pia pale uwajibikaji haufanyiki, tunasukuma. Tunaushukuru mwongozo mzuri ambao mumewaonyesha wenzenu kule nje. Nadhani mmeyaona yale ambayo yameendelea hapa kwa saa moja ambalo mumekaa na sisi. Nawaomba muwe mabalozi wa yale mazuri ambayo mmeyaona hapa. Pindi mtakaporudi katika Seneti hii, basi msirudi kama watazamaji bali mrudi kama viongozi Maseneta na wengine niwaone kule *National Assembly* kwa sababu najua mwito ni kuwatayarisha vijana kuwa viongozi katika taifa hili la Kenya.

Asante sana, Bi. Spika wa Muda.

**Sen. Crystal Asige:** Thank you very much, Madam Temporary Speaker, for the opportunity to welcome the Mombasa Youth Council to the Senate. My name is Crystal Asige, nominated, of course, to represent 001, Mombasa County. I would like to also extend a welcome to the group. Thank you very much for coming. Thank you for being patient, as has been said earlier. People do not usually understand, especially young

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people sometimes maybe do not engage in this part of lawmaking. It needs a lot of patience, collaborative work, specificity and conciseness.

This is why we take our time to do what we do here in the Senate. You can rest assured that your representatives from Mombasa, who you have come to see here today alongside others, including Sen. Miraj, our elected Sen. Faki and I, are doing our very best to represent Mombasa in the best way possible for yourselves and also for our families that we are here to fight for in terms of the law.

I also want to, as the Speaker has said, emphasise that just like your pillars from innovation, art to digital technology, there is a space here for all of you. Everyone of you has a different passion that you can bring to the country at this national level and even at the county level, if you so wish to take that route. Know that in your diversity and with all of the skills that you are acquiring at the Mombasa Youth Council, please hold on to them, nurture them, grow them and bring them to the Senate in the future. We will be here to support in any way that we can.

I thank you very much, Madam Temporary Speaker.

**Sen. Faki:** Asante, Bi. Spika pia kwa kunipa fursa kuwakaribisha vijana kutoka Youth Council ya Mombasa. Mombasa imekuwa katika kilele cha mambo ya kuwapa vijana uongozi. Wiki mbili zilizopita, tuliapisha Kenya Youth Assembly kule Mombasa ambapo Youth Assembly ina waakilishi kutoka kila ward ambaye anachaguliwa kwa demokrasia kupitia mipango yao.

Nimefurahi kwamba leo tumepokea vijana kutoka Mombasa na tunawashukuru kwa kuwa wameweza kuacha wakati wao na kuja katika Bunge hili ili kujifunza na kusoma. Hii ni njia moja ya kufanya ile ambayo tunaita mentorship kwa vijana wetu na vile vile pia kusoma yale mambo ambayo viongozi wanafanya. Hii ni kwa sababu wengine huona kama viongozi hawana majukumu yoyote lakini wameona leo kwamba tuko hapa sisi waakilishi wa Kaunti ya Mombasa na kila mtu amefanya kazi yake ambayo alikuwa amepangiwa kufanya jioni ya leo.

Nawatakia kila la heri. Yale ambayo wamesema hapa, wayatumie katika shughuli zao za kila siku na vile vile pia kujenga taswira ambayo itasaidia Kaunti ya Mombasa na Kenya kwa jumla kuleta viongozi bora kwa siku za usoni.

Asante, Bi. Spika wa Muda.

*(Resumption of Committee of the Whole)*

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, we are now going to reporting after the Committee of the Whole. I would like to invite the Chairperson to report on The Cancer Prevention and Control (Amendment) Bill (National Assembly Bills) No. 45 of 2022.

## PROGRESS REPORTED

THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)

*(Consideration of Presidential Memorandum)*

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**Sen. Veronica Maina:** Thank you, Hon. Speaker, for this opportunity. I beg to report that the Committee of the Whole has considered the President's Memorandum on The Cancer Prevention and Control Amendment Bill, National Assembly Bill No. 45 of 2022, and seeks leave to sit again tomorrow.

**The Temporary Speaker** (Sen. Mumma): Mover.

**Sen. Mariam Omar:** Hon. Speaker, I beg to move that the House do agree with the Committee in the said report.

Thank you.

**The Temporary Speaker** (Sen. Mumma): Who is seconding?

**Sen. Mariam Omar:** Sen. Tabitha.

**Sen. Tabitha Keroche:** Madam Temporary Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Mumma): We are now moving on to The Meteorological Bill (Senate Bills No.45 of 2023).

Chairperson, proceed.

THE METEOROLOGICAL BILL (SENATE BILLS NO.45 OF 2023)

*(Consideration of National Assembly amendments)*

**Sen. Veronica Maina:** Hon. Speaker, I beg to report that the Committee of the Whole has considered the National Assembly amendments to the Meteorological Bill (Senate Bills No.45 of 2023) and seeks leave to sit again tomorrow.

**Sen. Faki:** Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report and invite Sen. Miraj to second.

**Sen. Miraj:** I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Mumma): Thank you. Next, we move on to The Election Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024).

Chairperson, proceed.

**Sen. Veronica Maina:** Hon. Temporary Speaker, I beg to report that the Committee of the Whole has considered the National Assembly amendments to The Election Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024) and seeks leave to sit again tomorrow.

**The Temporary Speaker** (Sen. Mumma): Mover.

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**Sen. Maanzo:** Hon. Speaker, I beg to move that the House do agree with the Committee in the said report.

I do ask Senator Asige to second.

**Sen. Crystal Asige:** Thank you, Madam Temporary Speaker. I second as moved.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Mumma): Next, we move to The Public Finance Management (Amendment) (No.4) Bill (National Assembly Bills No. 45 of 2024).

Chairperson, proceed.

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.4)  
BILL (NATIONAL ASSEMBLY BILLS NO.45 OF 2024)

**Sen. Veronica Maina:** Hon. Speaker, I beg to report that the Committee of the Whole has considered The Public Finance Management (Amendment) (No. 4) Bill (National Assembly Bills No.45 of 2024) and seeks leave to sit again tomorrow.

**The Temporary Speaker** (Sen. Mumma): Mover.

**Sen. Tabitha Mutinda:** Madam Temporary Speaker, I beg to move that the House do agree with the Committee in the said report.

**The Temporary Speaker** (Sen. Mumma): Secunder?

**Sen. Tabitha Mutinda:** I request Sen. Crystal to second.

**Sen. Crystal Asige:** Thank you very much, Madam Speaker. I second as moved.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Mumma): The Ayes have it.

THE LABOUR MIGRATION AND MANAGEMENT  
(NO.2) BILL (SENATE BILLS NO.42 OF 2024)

**Sen. Veronica Maina:** Hon. Temporary Speaker, I beg to report that the Committee of the Whole has considered the Labour Migration and Management (No.2) Bill (Senate Bills No.42 of 2024) and seek leave to sit again tomorrow.

**Sen. Tabitha Mutinda:** I beg to move that the House do agree with the Committee on the said report and request Sen. Crystal to second.

**Sen. Crystal Asige:** Thank you, Madam Temporary Speaker. That is what I was waiting for. I second as moved.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Mumma): The Ayes have it.

THE TOBACCO CONTROL (AMENDMENT)  
BILL (SENATE BILLS NO.35 OF 2024)

**Sen. Veronica Maina:** Madam Temporary Speaker, I beg to report that the Committee of the whole has considered the Tobacco Control (Amendment) Bill (Senate Bills No.35 of 2024) and seek leave to sit again tomorrow.

**The Temporary Speaker** (Sen. Mumma): Mover.

**Sen. Wafula:** Madam Temporary Speaker, I beg to move that the Senate do agree with the Committee on the said report.

**Sen. Veronica Maina:** Hon. Temporary Speaker, I second as moved.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Mumma): The Ayes have it.

THE COUNTY GOVERNMENTS ELECTION LAWS  
(AMENDMENT) BILL (SENATE BILLS NO.2 OF 2024)

**Sen. Veronica Maina:** Hon. Temporary Speaker, I beg to report that the Committee of the Whole has considered the County Government Election Laws (Amendment Bill), Senate Bill No. 2 of 2024) and seek leave to sit again tomorrow.

**The Temporary Speaker** (Sen. Mumma): Mover.

**Sen. Crystal Asige:** I beg to move that the House do agree with the Committee on the said report, and request Sen. David Wakoli to second.

**Sen. Wafula:** I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Mumma): The Ayes have it. Hon. Senators, we will now go back to Statements and call upon Sen. Faki to read his statements.

*(Resumption of Statements)*

UNPLANNED URBAN DEVELOPMENT IN THE COUNTIES

**Sen. Faki:** Thank you, Madam Temporary Speaker. I rise, under Standing Order No. 53 (1) to seek a statement from the Standing Committee on Land, Environment and

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Natural Resources on a matter of inter-county concern regarding the rampant and unplanned urban development in the counties.

Since 2013, counties have witnessed a surge in construction of residential and commercial properties. These developments have not been properly regulated and have brought about an urban planning and infrastructure crisis, particularly in Nairobi, Mombasa, Kiambu, Nakuru, Kisumu and Uasin Gishu counties. The existing emergency response facilities, road networks, water supply and sewerage systems are overstretched and unable to keep pace with the rising population.

In the statement, the committee should address the following-

(1) The number of counties that have developed and gazetted up-to-date county spatial plans and local physical and land use development plans as required by law and the extent to which the plans are enforced in those counties.

(2) The number of physical planners, engineers, environmental officers and building inspectors employed by the Nairobi, Mombasa, Kiambu, Nakuru, Kisumu and Uasin Gishu county governments and the measures in place to ensure progressive realization of the required staffing levels for effective service delivery.

(3) The steps being taken by the specified county governments to accelerate development and expansion of emergency response facilities, road networks, water supply, sewage and other critical urban infrastructure systems to match the growing urban population.

(4) The measures in place to address the increasing incidences of unregulated sinking of boreholes in urban centres, especially without prior geological hydrogeological assessments, which are necessary to ensure that the structural integrity of the surrounding ground and buildings is not compromised.

Madam Temporary Speaker, the house in Mombasa, which was demolished sometime last year, collapsed as a result of a failure in the geological assessments by the county government.

(5) The prevailing practice and procedures for approving change of user of parcels of land in the specified counties, including whether procedures comply with the statutory provisions in the change of user processes.

(6) The steps taken by the national Government and the specified county governments to identify and reclaim land designated for road reserves, way leaves and service corridors, open spaces, parks and urban forests and green belts, as well as road and riparian reserves that have been encroached upon.

Thank you, Madam Temporary Speaker.

Mohamed Faki Mwinyihaji, Senator, Mombasa County.

#### INADEQUACY OF PUBLIC FACILITIES IN MUKOTHIMA SUB-COUNTY, THARAKA NITHI COUNTY

**Sen. Gataya Mo Fire:** Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No.53(1) to seek a statement from the Committee on Health on a matter of countywide concern regarding the inadequacy of public facilities in Mukothima Sub-county, in Tharaka Nithi County.

Article 43 (1)(a) of the Constitution of Kenya guarantees every citizen the right to the rest, sustainable standard of health, including reproductive health care. However, Mukothima Sub-County in Tharaka Nithi County continues to face serious challenges due to lack of adequate public facilities, with most residents relying on dispensaries that lack functional maternal and early child units. As a result, expectant mothers are forced to travel long distances to access comprehensive maternal health care services.

This limits their access to emergency obstetric care and skilled birth attendants and exposing mothers and newborns to preventable health risks, thereby contributing to increased maternal and infant mortality rates in the region.

In the statement, the committee should address the following-

(1) The budgetary allocation for the establishment of a modern public facility in Mukothima Sub-County for the 2025/2026 Financial Year and the measures being undertaken to expedite the construction of the facility, including the projected outlines for commencement and completion of the projects.

(2) Whether there are any plans to collaborate with the private sector partners and Non-Governmental Organisations (NGOs) in the construction and development of a modern public health facility in the said sub-county.

(3) Look at the interim measures and alternative mechanisms currently in place to address the health care needs of expectant mothers and other vulnerable groups arising from the lack of adequate public facilities and whether there are plans to upgrade the existing dispensaries in the Tharaka Nithi County to enhance the quality, accessibility and scope of early care services available to local residents.

Thank you.

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, we will defer the statements by Sen. Mundigi and Sen. (Prof.) Tom Ojienda.

#### PROPOSED CONSTRUCTION OF THE NAIROBI-THIKA EXPRESSWAY

*(Statement deferred)*

#### THE UPGRADING OF NGANDI ROAD TO BITUMEN STANDARDS

*(Statement deferred)*

#### MASS LAYOFF OF EMPLOYEES AT MUHORONI SUGAR COMPANY

*(Statement deferred)*

We will now reorganise the order of business and move on to Order No.22.

**BILL***Second Reading*THE AGRICULTURE PRODUCE (MINIMUM GUARANTEED  
RETURNS) BILL (SENATE BILLS NO.17 OF 2025)

**The Temporary Speaker** (Sen. Mumma): Sen. Veronica Maina.

**Sen. Veronica Maina:** Madam Temporary Speaker, I beg to move that the Agriculture Produce (Minimum Guaranteed Returns) Bill (Senate Bills No.17 of 2025) be now read a Second Time.

This Bill seeks to establish a statutory framework through which county governments guarantee farmers a minimum return on selected agricultural produce. The intent is to stabilize farmers' income, cushion them against market volatility and promote food security.

If you have listened to the conversation we have been having in Kenya due to the drought situation, it is clear that we have not yet achieved food security. The purpose of this Bill is therefore threefold; to stabilize farmers' income so that when they invest in agriculture, they do not incur losses; to cushion farmers against eventualities, including unstable income, as has been achieved in the United States of America (USA) and other developed jurisdictions; and to assure farmers that when they seek financial support from banks or other institutions, repayment becomes predictable and manageable, while still earning an income. This will also assure our population that the nation is food secure.

Kenya Vision 2030 identifies agriculture as one of the key sectors to deliver 10 per cent annual economic growth rate. This is in recognition of the fact that agriculture has for many years formed the backbone of Kenya's economy. The sector contributes more than 20 per cent of Kenya's Gross Domestic Product (GDP).

In addition, agriculture contributes more than 60 per cent of total export earnings and about 45 per cent of government revenue, while providing most of Kenya's food requirements. The sector is estimated to have a further indirect contribution of nearly 27 per cent of GDP through linkages with manufacturing, distribution and other service-related sectors. Agriculture employs over 40 per cent of Kenya's population and more than 70 percent of the rural population is engaged in farming.

Madam Temporary Speaker, since I normally have conversations with you outside this Senate, I know you are a farmer and have been practicing farming in Kakamega. I do not know whether you are doing that farming in the very famous Kakamega Forest. However, I am aware that you have been growing trees, fruits and even harvesting honey in your farms. This is what we are advocating for: that farmers making efforts to make Kenya food secure should be assured that there is legislation cushioning them.

The agricultural sector faces many challenges that reduce its contribution to the economy and improvement of livelihoods. These include climate change, emerging pests and diseases, which underscore the need for crop diversification, irrigation, adoption of drought-resistant crop varieties, improved water management systems, sustainable harvesting of aquifers and improving weather forecasting.

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There are also many other challenges such as low and undiversified productivity due to high cost of inputs, low availability of inputs in remote areas, lack of targeted subsidies, low quality inputs, declining soil fertility, inadequate use of modern technologies and pests and diseases.

To mitigate some of these factors, you are aware that when the Kenya Kwanza Government took power in 2022, one of the priorities of His Excellency the President (Dr.) William Ruto was to reduce the cost of fertilizer. At that time, a bag of fertilizer cost Kshs7,500. To intervene on behalf of farmers, the Government introduced a subsidy that reduced the cost to Kshs2,500 per bag. This was a commendable move. As a result, we have seen bounty harvests. Maize production has increased, coffee production has risen and farmers have benefited greatly.

We are happy to note that with the Kenya Kwanza Government, coffee prices have improved significantly. Farmers who previously earned Kshs40 per kilogramme are now earning over Kshs120 in counties such as Kirinyaga and over Kshs110 in Murang'a County. This improvement is supported by the coffee exchange platform where these prices are determined.

Other challenges include poor marketing, market uncertainties and low value addition, which adversely affect economic returns and lead to low sustainability of agricultural enterprises. That is why we have seen aggregation parks being introduced. The Government is setting up these facilities in different counties to ensure that bumper harvests can be aggregated.

We thank Makueni County for finding a way to deal with the plentiful harvest of mangoes. Farmers in Kenya have suffered high post-harvest losses due to inadequate technologies for product development and storage, poor infrastructure such as rural access roads and high energy costs for cooling and processing facilities. Advanced technology has now been offered to give cooling facilities in the new markets that are being built. Unpredictable weather patterns have also been a challenge and rainfall variability and as a result, we are having many more dams being constructed, low budgetary allocation to the agriculture sector and limited access to agriculture finances.

Madam Temporary Speaker, this Bill comes in to assist both the national Government and county governments to plan better in the agricultural sector. Any resources that are allocated to the agricultural sector with the legal framework that is going to be offered by this Bill on the Agriculture Produce (Minimum Guaranteed Returns) Bill, we can now have better utilization of resources that are allocated to the agriculture sector.

Do you remember the incident where one county in accounting for the resources disbursed towards agriculture could only bring accounting papers to the Public Accounts Committee (PAC) that they had bought fingerlings which were in the river and the river had swept away the fish? This Bill is going to curb such mischief from the counties.

With this Bill, a county is going to be accounting for any post-harvest losses because it is going to close out any mischief in the utilization of the funds that are due to agriculture and counties will be held to account. For instance, right now, Murang'a was blessed with a heavy produce of mangoes this season. Unfortunately, we were expecting the County Government, Governor Irungu Kang'ata, who has been buying those mangoes

from the farmers to consolidate and take them for storage and dispatch them to the market.

However, what happened was a shock to the farmers. They harvested the mangoes – I am sure you must have seen it on social media - and before we knew it, the mangoes were rotting in the farmers' barnyards. The mangoes were not collected or purchased and they were lost. If this legal framework was in place, Murang'a County would have asked the farmers; how many kilos of mangoes have you lost? If you have lost 100 kilos, you look at the market cost of a kilogram of each mango produce and compensate those farmers so that they are buffered from losses which are unnecessary.

Guaranteed minimum returns refer to the minimum amount of money guaranteed by the government to farmers. It could be in form of subsidies, loans or grants to the farmers. The history of guaranteed minimum returns can be traced back to the colonial times. As part of the war effort, the British Government promoted Kenyan agriculture, guaranteed prices and returns per acre, continued marketing control and other policies were introduced to assist settlers and to increase food production for the troops.

Madam Temporary Speaker, it is not the first time that minimum guaranteed returns are being mentioned in Kenya. The Agriculture Act, Chapter 318 Laws of Kenya, now repealed, unfortunately because some very good sections were repealed had extensive provision on guaranteed minimum returns. The repealed Act provided for declaration of essential crops which were necessary for the requirements of Kenya.

The Central Agriculture Board would then prepare a programme of production and production orders of essential crops and disseminate the same to registered owners or occupiers of large-scale farms. Section 10 of the repealed Act provided that every person upon whom a production order has been served would be guaranteed by the government a minimum return of the money for every acre of land appropriate for planting an essential crop.

That Act of Parliament rewarded effort and this Bill is about rewarding effort. It is not about rewarding a farmer who sits in their farm, produces nothing and then runs to the county government to say; how are you assuring my agriculture is working? It is not contemplative. It is going to reward production. So, it is a natural product that has been produced from the farm which then is ascertainable. It can be measured, it can be ascertained and the farmer can claim that I have produced a hundred kilogrammes of wheat.

Aside from guaranteed returns, the Government would also provide advances for the purpose of meeting expenditure incurred in preparing and fertilizing the land on which the essential crops were planted. The Agriculture Guaranteed Minimum Return Advance Rules 1977 provided for Kshs500 per acre of land on which essential crop was grown. This is going to encourage people. Instead of being in the cities, you go back to where you have a small parcel of land, you are guaranteed that any product you get from that land is covered or cushioned by the county government, resourced by the national Government. Then this becomes easier even for to ease joblessness.

There were also guaranteed minimum return loans which were advanced by the Government to farmers. For instance, the loans would finance the production of essential crops such as wheat and maize at cash Kshs180 per acre. This was then but now; the value would change. To qualify for the loan, the farmer would be required to own a

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minimum of 15 acres. So, it had a standard. It could not just guarantee when you certainly do not have an assurance of a proper harvest or a proper crop.

If the application was approved by the Ministry of Agriculture, the Agricultural Finance Corporation (AFC) would issue the loan as approved. The farmer had to pay a premium of Kshs4 per acre in respect of wheat Kshs3 in respect of maize. The condition was imposed because the scheme incorporated an insurance policy element, in that the farmer was guaranteed a minimum of Kshs180 per acre should their crop fail due to bad weather or some other natural hazard.

Madam Temporary Speaker, there was a process of governance around farming and agriculture. They even made sure there was an insurance policy that would ensure that if a crop failed, just like it happens in the advanced jurisdictions, that insurance company would then revert and pay for the failed crop. On delivery of the produce to the marketing institution, AFC would recover the money advanced to the farmer. In the event of the farmer experiencing crop failure, the Corporation would inspect the farm and if satisfied that there was crop failure, pay the farmer the minimum price of Kshs180 per acre. The guaranteed minimum return program was however discontinued in 1978, following years of poor performance and unsustainable financial losses.

Madam Speaker, Sir, comparative jurisdictions show that provision of funding support in agriculture produce has helped the growth and stability of agriculture industry. The United States Federal Government---

**The Temporary Speaker** (Sen. Mumma): Hon. Senator, did I hear you say Madam Speaker, Sir?

**Sen. Veronica Maina:** That was a very big omission because I never thought I would fall into that trap which was started by hon. Salasya in the National Assembly and this being the superior Chamber, we would not want to fall into that trap of Madam Speaker, Sir. Apologies for that.

The United States Federal Government spends about US\$30 billion annually to support its agriculture sector through a wide range of subsidy and support programs including; crop insurance, agriculture risk coverage, price loss coverage, conservation programs, marketing loans, ad hoc and disaster aid. These programs are administered by the US Department of Agriculture (USDA) which runs more than 150 initiatives that provide both direct financial support and indirect assistance to farmers.

In India, another comparative jurisdiction, the Government introduced the Minimum Support Program (MSP) in 1966 to 1967, a period marked by a severe cereal deficit that left domestic production unable to meet national demand. After more than a decade of food insecurity, the government adopted sweeping agricultural reforms with MSP as the first major intervention. It was designed as a price safety net to protect farmers from unpredictable market prices and natural risks, ensuring they receive a minimum assured income for key crops.

Madam Temporary Speaker, locally, Murang'a County 2022 Agricultural Farms Input Subsidy Policy was created to cushion farmers from persistent production and market challenges by lowering the cost of key inputs and stabilizing incomes in two priority value chains; dairy and mango. This means that a programme is being piloted in Murang'a County for production of dairy products, that is milk, and also for mangoes.

The policy links subsidies directly to verified production. Milk delivered to cooperative societies and mangoes delivered to processors. In other words, Murang'a County will negotiate with Pick and Peel or with Kakuzi or Del Monte if they are producing any fruit juices and ensure that quality mangoes are delivered to the processors who then turn those mangoes into juice. That means the post-harvest losses are reduced. It is a sure bet for the county that they are working on a commercial agri-business enterprise that cannot fail. It also ensures that public support is rewarded, actual output and strengthened formal market participation.

To operationalize the policy, the county has enacted the public finance Murang'a County Agricultural Farms Input Subsidy and Incentive Fund Regulations, which has established a dedicated fund. What we are saying is, when a dedicated fund with a clear objective is established by each county, it means that disbursement on agriculture will no longer be used to just maybe distribute a few seedlings to farmers and purport to account for those seedlings in a manner that is so questionable and does not meet the proper accounting standards.

Madam Temporary Speaker, the Agriculture Produce Minimum Guaranteed Returns Bill now creates a county level framework to stabilize the farmer's income by guaranteeing this minimum return when the market prices fall below production costs. Its objective is to cushion farmers from price volatility, promote food security and support equitable agricultural development across the counties.

Counties are assigned the primary responsibility for implementation including budgeting, resource mobilization, timely disbursement and monitoring of programme impact as stated in section four, which requires counties to approve and integrate minimum guaranteed payment programmes within their annual county budget and ensure timely payments.

To operationalize the scheme, the Bill establishes a county minimum guarantee committee responsible for determining eligible crops and livestock, calculating average market prices and comprehensive production costs, setting acreage limits so it can even go to the limit of one acre or two acres, registering beneficiaries and approving payments.

The minimum guaranteed return is defined as an amount equivalent to 20 per cent of the difference between the average market price of a product and the comprehensive costs. That is in Clause 12. Payments are only made where the produce is largely consumed locally and not to those who are exporting because those who are exporting are big farmers and they are capable of taking care of their inputs and outputs and they have calculated their profits and are sure what they are engaging in is profitable.

The Bill also requires annual publication of comprehensive costs and market prices with revisions gazetted within 14 days. The Bill includes safeguards to ensure accountability, including provisions for suspension or recovery of payments obtained through fraud. So this Bill will not be used for people to commit fraud in the counties, pretending that produce has been brought to the county.

Fraud will be punished or with error or with overpayments. Those will be treated as debts recoverable with interest at the Central Bank rates if anybody purports to take advantage of this Bill. Offences of providing false information or obstructing officials from attracting fines will also be punished with imprisonment.

The Cabinet Secretary is empowered to make regulations which county assemblies may enact legislation on how they will register the farmers to benefit, how the application procedures will be, evaluation criteria and disbursement processes. Overall, the Bill establishes a structured, data-driven, and county-anchored mechanism aimed at stabilizing farmers' incomes and strengthening agriculture resilience. I would say this Bill is a very big boost to what the government has been doing in affirming agriculture and ensuring that the fertilizer inputs are affordable by ordinary and small-scale farmers.

The Bill comes at a time when farmers across the country are grappling with unprecedented economic pressure, global fertilizer price shocks, climate-induced crop failures, and volatile commodity markets have eroded farm incomes and increased household vulnerabilities. Many counties continue to experience declining productivity due to high input costs, degraded soils and unpredictable rainfall patterns.

At the same time, the bottom-up economic transformation agenda identifies agriculture as a primary driver of rural incomes and national food security. It is therefore imperative that we adopt a modern, predictable, and physically-disciplined mechanism to stabilize farmers' earning and safeguard our food systems.

Madam Temporary Speaker, as I beg to move this Bill, and as I wait to call in the person to second the bill, I want to say that I am hoping and persuading my colleagues in this Senate to see the sense in this Bill and to offer a framework in an area where ambiguity and vagueness in the utilization of resources in the agriculture sector within counties has been used wrongly to the detriment of the farmers and that of big principles that we need to have developed to assure food security to our nation.

I am not seeing any Senator standing up to oppose this Bill because opposing this Bill is opposing food security. Opposing this Bill is opposing proper accountability mechanism for all the funds that are being sent to the counties and being misused in the name of purchasing seedlings. Some have seen Governors giving half a kilo of maize seeds to farmers.

Indeed, some have become such a scam because farmers are given in this station, and by the time the old people walk another 20, 50, 100 meters, there is a group of gangsters who take the seedlings from them and they are given in another station. I do not know how we would watch as a Senate to see mayhem in the agriculture sector when we can actually put a governance structure using this Bill; the Agriculture Produce Minimum Guaranteed Returns Bill, to ensure the same way coffee is being given the cherry fund, that is assuring the coffee farmers that when you are engaging in planting and farming of coffee, you are not going on a loss. You are assured of Kshs100 per kilo for each coffee farmer.

The Bill targets crops that have not been noticed before. There is no advocacy on those crops. Coffee and tea are important crops in the Republic of Kenya because they are deemed as cash crops. So, we have the farmers who are doing coffee and tea having a platform where they can advocate for their issues, even using legislation. However, we have other crops. We have crops that are in a lower cadre. We have food crops that are being farmed, and that is the one that assures the food security.

We want to assure the tomato farmers, the farmers in horticulture and in nuts that finally they can predict the price of their harvest. Minus predicting that price of their harvest, you will find investors in the agriculture sector will shy away because if I am not

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sure whether if I invest Kshs2 million in agriculture I am going to get back my return, the natural thing is for me to go to an area where my risk is managed and contained.

I beg to move that this Bill do proceed on and I want to request Sen. Wafula Wakoli to second this Bill. Thank you very much.

**The Temporary Speaker** (Sen. Mumma): Sen. Wakoli, please proceed.

**Sen. Wafula:** Thank you, Madam Temporary Speaker. As ably articulated by Sen. Veronica, this Bill includes safeguards that ensure accountability, provisions for recovery of payment obtained through fraudulent means, and that the debts are recoverable with the interest at the central bank.

The Bill establishes structures that are driven and county-anchored mechanisms aimed at establishing farmers' incomes. It also strengthens agricultural resilience. This is a matter that our farmers have been struggling with for many years. Comprehensive jurisdictions have shown that provision of funding support in agriculture produce has helped the growth and stability of the agriculture industry.

Madam Temporary Speaker, I would like to conclude by saying that to operationalise the scheme, the Bill establishes a county minimum guarantee Committee, responsible for determining eligible crops, livestock calculating average market prices and comprehensive production costs. This shows that the Bill is anchored in devolution; and that, the primary decision-making will be based on county-prioritised products and crops. This will ensure that every county and the Kenya Kwanzaa Government are building industrial parks.

It simply says that every county determines the crops, produce or animals that they will champion through the Ministry of Agriculture and Livestock Development. Therefore, with this kind of arrangement, and the farmers in Bungoma, Kirinyaga, Mandera counties or even Marsabit County, who, although they planted seedlings when there was drought, we pray that they will have hope that next time they will plant when it is raining, and that this Bill will be sufficient to give them an opportunity to flourish.

Finally, it is in the spirit of the bottom-up economic transformation agenda that identifies agriculture as a primary driver in rural incomes and national food security. We are now dealing with drought, because many of the counties do not understand that the poverty that our people go through is devolved. They need to invest in agriculture and give people the capacity and training to embrace agriculture. The young people of this country must not only wait for good, sumptuous meals on the table, but be encouraged that going to the farm is the best way forward, and the earnings will be good. It is therefore imperative that we adopt a modern, practical, and physically disciplined mechanism to stabilise farmers' earnings and safeguard our food system.

Madam Temporary Speaker, as you know, we passed the Sugar Bill the other day. The President told us that we shall be getting bonuses and indeed, Mumias Sugar gave them. However, it goes a long way after the leasing of our factories, that this Bill will go a long way to enhance that. We have macadamia, avocado and coffee, all of which should be anchored in this kind of structured Bill that our people have been lacking for a long time.

Madam Temporary Speaker, I beg to second.

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, I propose the question.

*(Question proposed)*

Sen. (Prof.) Kamar, please proceed

**Sen. (Prof.) Kamar:** Thank you, Madam Temporary Speaker, for giving me the opportunity to support this beautiful piece of legislation.

I would like to congratulate my dear sister, Sen. Veronica Maina, for proposing this Bill. This, as the Mover said, is not the first time that the Guaranteed Minimum Return was done. We used to have Guaranteed Minimum Return (GMR). When I joined the Ministry of Agriculture and Livestock Development in 1986, before your Clerk was born, we had Guaranteed Minimum Returns. I was a District Soil Conservation Officer and became a District Extension Coordinator. This was one of our best works in Trans Nzoia, which was the food basket of the country.

For farmers to be encouraged to plant maize, it was extremely important that Guaranteed Minimum Returns were applied. I am very happy that we are going to have a return in the name of Minimum Guaranteed Returns.

Why is it important? It is very important because food production has become and has always been very expensive. Therefore, if you use the cost of production in food to determine the sale of the produce, food becomes very expensive. Kenya is not the first country to do this. There are many countries, and examples have been given. For instance, India does it. In fact, in Canada, you are even given a minimum return for the milk you produce. The dairy farmers in Canada are paid, even when there is a glut in the market. They are allowed to pour the milk or feed whatever they want to, for instance, pigs or use it the way they want. Whichever way, they receive the minimum return. It is the only way you can assure food security in any country.

The subsidy support that farmers are getting now, again, is something that most countries in the European Union have embraced. This is producing food is expensive, and food is supposed to be a right to everybody, like it is in our Constitution, that, we have a right to food and good nutrition. However, if you just have that as a right, and do not protect the producer, it is impossible for you to be able to implement that right in your Bill of Rights.

So, it is very important that you facilitate farmers to ensure that you get the food that you want to guarantee, whether it be the students. You are with me in the Senate Standing Committee on Education, where we have been demanding from governors that children must be fed according to the policy for Pre-Primary (PP)1, PP2, which demands that a child must get a well-balanced meal at lunchtime.

We know our governors are still escaping with porridge. They tell you we give them porridge at 10.00 a.m. and then they expect the child to just drink porridge at 10.00 a.m. and go home at 1.00 p.m. By noon, they are tired and sleeping in the room. So, for us to be able to have food, even for the same governors, because I am impressed that this is a law that is going to be implemented dominantly in the counties, the county governments should look at the food that they require for their children and implement a minimum guarantee return to the farmers that will produce.

I am seeing Kitui County putting the mung beans in their minimum guaranteed return while Trans Nzoia, Bungoma, Nandi and Uasin Gishu counties put maize. The Bill has given the freedom and leeway to the governors to choose the crops that they are

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going to give the guaranteed minimum return for production purposes. This guaranteed minimum return, may be different for different crops because of the production costs that are required. It is very important that that is captured, as was captured by the Mover in Clause 12. If we focus on the food security, then the minimum return will be as per that crop.

I want to persuade the Mover that it may not always be 20 percent. In our days, because I was an assessor, we used to assess and we had economists who would give the minimum production of Trans Nzoia, which was different from the minimum production of Elgeyo Marakwet and Bungoma and we would have to use our own to assess the production and losses.

It is also very important to note that not every year is a good year in agriculture. Due to climate change, we have erratic rainfall, sometimes there are droughts that just come midstream and crops are destroyed. This Minimum Guarantee Return (MGR) is going to take care of that. You have to prepare for calamities. Apart from the fact that if you do not earn your minimum income, it can put you at a loss, as without it, we will face insecurity.

Madam Temporary Speaker, there is something new that is coming in Western Kenya and the North Rift. We are discovering coffee for the first time in our lives and because of the discovery of coffee, there is a lot of shift towards producing cash crops. We never had cash crops and we do not know, but when the minimum returns were returned, when the subsidy became debatable, then it became very difficult. There is now a shift towards cash crops and if everybody goes cash crop, then there is going to be a major problem in food security.

I want to support and I believe that Senators will support this Bill. The only thing that I would like the mover to look at is to look at what 20 per cent is for mung beans, what is 20 per cent for maize, and what is 20 per cent for any other crop.

Alternatively, give the leeway to the counties so that any county can look at the crops that they are producing and come up with their percentage. We may not need to limit it here because if you limit it to 20 per cent of the difference between the average price of the product and the comprehensive costs and the costs again become variable because of different fertilizer and also regimes have different variabilities.

Also, the application of fertilizer, including top dressing, varies from farm to farm. Some people say split your top dressing. Others come in and say split, but also have another liquid fertilizer. So, you may not exactly get the cost if you go that direction.

What we also need is to work with the research institutions. Let Kenya Agricultural Research Institute (KARI) tell us what the actual optimum yield is of the different crops in the different regions of this country so that we actually base our minimum on what has been established by the research institutions. Otherwise, I am very delighted because I was involved in GMR before.

I was an assessor in GMR and I know it encouraged farmers, particularly in Trans Nzoia, where I worked, to actually farm. Everybody was ready to work because they knew if there is crop failure, they would get a minimum from the government, because you are guaranteed that you are going to get your minimum. So, we need to get the definition of minimum. If the minimum can be met so that you are given, then anybody can be able to produce food for this country.

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Madam Temporary Speaker, with those remarks, I beg to support.

**The Temporary Speaker** (Sen. Mumma): Sen. Wahome Wamatinga.

**Sen. Wamatinga:** Thank you very much, Madam Temporary Speaker. I also like to support the Bill as moved by Sen. Veronica Maina.

Indeed, Kenya is basically an agricultural country. The diversity of the crops that we grow in different regions requires a Bill like this, which will give the leeway to the county governments to determine which crop has priority in their counties.

As I support the Bill, it is also imperative that we note that different counties have almost the same produce. Mango is doing very well in Murang'a County just like in Makueni and other counties. What we lack is a dedicated approach towards ensuring that we manage the post-harvest losses.

In Nyeri County, you can find that everybody is harvesting avocado or macadamia at the same time. Due to lack of Minimum Guaranteed Returns (MGRs), farmers are left with their produce, some which cannot be preserved for a long time like avocado go to waste. To curb that, there must be an intentional approach by the county government.

I commend the approach by the Kenya Kwanza Government that introduced the County Aggregation and Industrial Parks (CAIPs). They were intentionally established to ensure that farmers do not lose their crops. That did not see the light of day in many counties. Due to misplaced priority, it has led to disaster as it was explained here by Sen. Veronica, where farmers in Murang'a were made to harvest their mangoes believing that the county government was going to buy from them only for the county government to leave them with mangoes which went to waste.

It is also important to note that with the advancement of technology, easy transport across international borders and demand for organic produce, it should be a major advantage to most Kenyan farmers who do farming without applying any chemicals. This can only be leveraged if we also embrace new markets. As we do that, we should also embrace technology to ensure that we preserve our produce so that easily perishable goods like mangoes, avocados, tomatoes and others like cabbages can be preserved for a longer time. If you go to countries like Netherlands, you will find that they use frozen chalk to preserve their produce without losing the nutritional value and they extend the shelf life by several months.

What I am happy about this Bill as proposed by Sen. Veronica Maina is that it envisages a situation where abuse or fraud may be practiced by some farmers and therefore it proposes measures that will ensure that fraud is not there. Being in a country where people are used to corruption, quick fixes or taking shortcuts, it is important that we have control mechanisms to ensure that we do not have another Goldenberg in terms of MGRs.

As Senators, we must also encourage regional integration and formation of producer groups so that counties that predominantly produce a certain produce like milk and potatoes in Nyandarua and Nyeri have an aggregation centre to ensure that we achieve economies of scale. We can use that to enhance the quantity and the quality needed so that our farmers not only get value for their money but also attract top markets by ensuring that they produce the right quality.

It has also been said by the Mover and this is also important. There was a time we used to have MGRs. We are not lost to the fact that global competition has become bigger but equally the population has increased across the globe. Therefore, if we use the right technology and enter into non-traditional markets, it will be in line with the Government policy to ensure that farmers get their returns. We must also ensure that our farmers produce the right quality and quantity and establish mechanisms of distribution of the same produce across the country.

We have seen cases where people in North Eastern Region and Turkana are starving while people in Nyandarua and Nyeri produce a lot of potatoes, carrots and tomatoes but they have nowhere to take them. With a good approach by county governments, a good communication platform, and good logistical arrangements, no Kenyan should starve because we produce enough. What we lack is the distribution network and information transparency in the market.

Madam Temporary Speaker, as I support this Bill, I request all Senators that it is high time we sat down and asked ourselves along which lines can we form economic blocs that will make it economically viable to establish aggregation centres because some counties could be too small to achieve economies of scale and therefore might need the input of neighbouring counties. They should establish aggregation centres that will ensure that the same produce is given the same treatment.

I support.

**The Temporary Speaker** (Sen. Mumma): Sen. Ledama Olekina, proceed.

**Sen. Olekina:** Thank you, Madam Temporary Speaker. Let me first of all begin by appreciating the good Senator, the Temporary Speaker most of the time, a good lawyer and a good Secretary General (SG).

I am a realist and as I support this Bill, I will play the devil's advocate and try to criticise the Bill, so that my dear sister can attempt to fix the very dangerous loopholes that I see.

Agriculture is devolved and this Bill, proposes setting up a fund to essentially compensate farmers for losses up to 20 per cent. For me, this Bill is utopian. I will try to justify that so that we see how we can correct it. As a farmer, Ledama Olekina, I fully support it 100 per cent. As a Senator who is tasked with oversight and fighting issues of accountabilities in counties, I take a step back a little bit, until I sit down with my sister to try and fix loopholes.

I think this approach for this Bill of counties being left to budget and set up a fund to be run by politically appointed committee members who will determine the crops and prices to be compensated, will lead to various things such as one, corruption and two, bring out rivalry between different groups.

Hypothetically speaking, if I am not in support of the current governor and my crops have been damaged and I depend on this committee to support me to be paid my 20 per cent---

Let us say I am selling the maize crop at Kshs3,000 which is the market price. However, I did not do the right thing of applying fertiliser to the crop and so, it will be full of weeds. The person coming in to buy will only then pay me Kshs1,000. However, since there is a piece of legislation that has been tasked to do that, it is currently going to overburden counties because each and every county will have to set aside money.

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Hypothetically, if the budget is in four parts, with the way agriculture is big, it will only set up for one side. Meaning, if in that year there are no rains and the crops fail, I have to make sure that I compensate farmers with this amount of money. Setting up a fund will be very good for me as a farmer, but it will burden the county's budgets.

Madam Temporary Speaker, if you look at prices in terms of the stabilisation, we depend on bodies such as the Kenya National Bureau of Statistics (KNBS) or even the Kenya National Bureau of standards (KNBS) to see how prices are trading in the market. If we say that for now, we are going to put price controls and deal with producers, the best thing that this Bill must do is not leave that burden to individual counties. This Bill must be from the national perspective.

We are setting up so many funds. I am looking at Section 116 of the Public Finance Management (PFM) Act that guarantees setting up funds. This Senate did work on establishing funds to be used by all hospitals in the country. My approach on this one would be not to depend on county budgets but we find a way where we have a national fund that compensate farmers to a particular percentage, but setting up guarantee minimum returns, meaning profit of about at least 20 per cent, because that is what the Bill says. If we do not look for money elsewhere, we will kill our counties. I am concerned about that. I love the Bill. I love the way the Bill has been set out, but I am just wondering, how we will be practical? I am just being a realist.

If we leave this Bill the way it has been structured, it will benefit inefficient production. I would not care. Furthermore, there is a fund there that will be able to guarantee me that now that I have a cow and this cow produces 57 litres of milk, if there is a structure for me to record this cow which is giving me 57 litres of milk, and a litre of milk, I am selling it to a processor at a minimum of Kshs40.

If it goes lower than that, the first question to be asked is that, have you reduced on the feed that you are feeding this cow, so that that cow is no longer giving you what it is supposed to give you? So, my view on this Bill; it is well intended, but I think we need to be able to make sure that it benefits both farmers and does not overburden counties. We are always talking here and fighting here for more monies to go to counties. Always. However, now, when this Bill becomes law, if we do not have any other source of income to be able to supplement the little resources that we are sending to our counties, we will overburden our counties. That is my concern.

I am happy that it will be focusing on produce which are sold locally to assist in food security, stabilising the economy and not export. I am very happy about that but I would persuade my sister to look at the following things. Number one, let us nationalise the fund. Number two, let us have a registry of all farmers.

Let us have an independent body but not a body set up by politicians. Let us have an independent body that all farmers will be able to register. There is one thing that is working very well with the distribution of fertilisers. I am very happy about it. I get an SMS, and I am told, Ledama Olekina, you have been allocated 460 bags of fertiliser. When I want to buy the fertiliser, I will share the text message.

If I can afford 100 bags now, they will send me another one telling me that it is 360 bags which is left. So, there is a structured way. That is an independent body that does not require me to know anybody. I can send somebody, they can take that text message, and it can work.

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So, I know we are in a rush but I do not want to rush this thing because I am a farmer. Allow me to go through all my points without getting disrupted, because I think laws are better developed in a way that---

*(Loud consultations)*

Madam Temporary Speaker, can you protect me from unnecessary---  
**The Temporary Speaker** (Sen. Mumma): Sen. Methu, Sen. Veronica, please listen in silence.

**Sen. Olekina:** Can I just deliver? You will find your time to come here.

*(An hon. Senator spoke off record)*

It does not matter. You are not the Speaker.  
**The Temporary Speaker** (Sen. Mumma): Sen. Methu, you are out of order. Please.

**Sen. Olekina:** I mean, it is completely insane to tell me that---

**The Temporary Speaker** (Sen. Mumma): Senator, you are getting out of order.

*(Sen. Methu spoke off record)*

Why is he out of order?

*(Sen. Methu spoke off record)*

Sen. Methu, you are exchanging without going through the Speaker. So, I would request that you listen, in order for Sen. Ledama to finish, please.

Sen. Ledama.

**Sen. Olekina:** Madam Temporary Speaker, I will use my six minutes. So, if my brother from another county is pissed off, he can walk out because I have got six minutes to--- Actually, five minutes.

Good laws are designed in a way that they are criticised, they are challenged, so that they can better this country. I am always of the view that sometimes we over-legislate. If we over-legislate, a lot of these Bills that we pass here will end up not being implemented. I want to fully understand from my fellow Senator, how realistically our counties are going to fund this Bill.

I will seek the following amendments-

(i) To enhance accountability. To make sure that we enhance accountability, set up an independent committee that evaluates the losses.

(ii) Demand that for every farmer who subscribes to this guarantee of minimum produce takes a crop insurance policy. So that you have got shock absorbers. You have got the insurance here taking care of a certain budget. What is left, the government can to absorb.

Instead of every county sort of like having all crops, I think my colleague who is a fantastic lawyer, can work with established bodies in this country to determine for example, what crop can the Bill guarantee minimum returns for Narok county.

In Narok County, we thrive in wheat production and are number one in the country. If you go to our neighboring county, they have corn or maize production. We have potatoes and milk. Let us look at the products we can use as a county so that we do not overburden.

County assemblies must put a ceiling on the budget that each county should allocate to compensate farmers. That is the only way that I foresee this Bill not rewarding inefficiency.

When we were growing up, we had agricultural extension officers. Let us introduce extension officers in this Bill such that today, if Sen. Olekina is planting corn and I want to make sure that I am guaranteeing my profit, I work with the county government and those extension officers---

**The Temporary Speaker** (Sen. Mumma): Sen. Ledama, I am sure you mean maize.

**Sen. Olekina:** Corn and maize is the same. So, if I am growing maize, I register with that committee, an independent committee, that I am growing for example, 100 acres of maize.

If I am buying my fertilizer from National Cereals and Produce Board (NCPB) which is the most affordable one, if it is Kshs2,500, they tell me how much I have used. This is so that I am compensated for what I have been able to do.

We should also look at the timing on when we are growing the crops. We should not just say today, after the rains, I now start planting because I can get compensated if I lose money.

We need to work with the meteorological department. Let us put an avenue where the meteorological department is also part and parcel as a stakeholder in this Bill so that we do not misuse government funds, which are very limited. We only make sure that all farmers are fully compensated for the work that they have done.

So, when we start, let us have a meeting. We had a Bill that we passed in the last parliament, in this Senate, the Warehousing Receipt Bill. It was one which was going to make sure that farmers---

**The Temporary Speaker** (Sen. Mumma): Sen. Olekina, you have a balance of five minutes.

## ADJOURNMENT

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate therefore stands adjourned until Tuesday, March 3, 2026, at 2.30 p.m.

The Senate rose at 6.30 p.m.