



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)
THE SENATE
ORDER PAPER
TUESDAY, FEBRUARY 23, 2021 AT 2.30 P.M.

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. ***THE COOPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)
(Second Reading)

(Resumption of debate interrupted on Wednesday, 17th February, 2021)
(Division)

9. **COMMITTEE OF THE WHOLE**
***THE MUNG BEANS BILL (SENATE BILLS NO. 9 OF 2020)**
(Sen. Enoch Wambua, MP)
10. **MOTION - ADOPTION OF REPORTS OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON AUDIT REPORTS FOR COUNTY EXECUTIVES FOR FINANCIAL YEARS 2015/2016, 2016/2017, AND 2017/2018 (VOLUMES I, II AND III)**
(Chairperson, Sessional Committee on County Public Accounts and Investments)

...../Motion

THAT this House adopts the Reports of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the following County Executives for the Financial Years 2015/2016, 2016/2017, and 2017/2018, laid on the Table of the Senate on Thursday, 11th February, 2021 –

- (i) **Volume I -**
 - a) Baringo
 - b) Elgeyo Marakwet
 - c) Homa Bay
 - d) Kakamega
 - e) Kiambu

- (ii) **Volume II -**
 - a) Kisii
 - b) Mandera
 - c) Mombasa
 - d) Taita Taveta
 - e) Kilifi

- (iii) **Volume III -**
 - a) Garissa
 - b) Wajir
 - c) Narok
 - d) Kericho
 - e) Lamu

(Resumption of debate interrupted on Thursday, 18th February, 2021)

11. MOTION - ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)

(Chairperson, Mediation Committee)

THAT this House adopts the Report of the Mediation Committee on the consideration of the Early Childhood Education Bill (Senate Bills No. 26 of 2018), laid on the Table of the Senate on Thursday, 18th February, 2021, and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

...../Motion

12. **MOTION - FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES**

(Sen. (Arch.) Sylvia Kasanga, MP)

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

NOTING that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

ACKNOWLEDGING , that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life’s activities;

CONCERNED, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by

globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to –

- a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya’s heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and
- b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

...../Motion

13. **MOTION - PARKING CHARGES IN PUBLIC INSTITUTIONS OFFERING ESSENTIAL SERVICES**

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, AWARE THAT, many urban areas and towns in Kenya lack designated car parking areas as a result of imbalance between parking supply and demand mainly due to ineffective land use planning and miscalculations of space requirements, thereby leading to exorbitant parking fees;

NOTING THAT, most essential services offered in hospitals, educational institutions and other public utilities are offered in urban centers, shopping malls and other designated areas that charge parking fees to access;

ACKNOWLEDGING, that whether they are delivered by public or private providers, essential services such as health, banking, education and other utilities are considered to be public services because they are public goods that sustain the well-being of every citizen and help in the development of the society as a whole;

CONCERNED, that access to hospitals, educational institutions and other places offering essential services might be hindered due to exorbitant parking fees levied on motorists accessing these services;

FURTHER CONCERNED, that charging entry fees amount to double taxation as the motorists who would have paid the parking fees will still pay for the services they seek;

NOW THEREFORE, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant fees for parking.

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...../Notice

NOTICE

The Senate resolved on 10th February, 2021, as follows:-

THAT, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

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KEY

****- Denotes a Majority / Minority Party Bill

***- Denotes a National Assembly Bill

** - Denotes a Committee Bill

*- Denotes any other Bill

NOTICE OF AMENDMENTS

*THE MUNG BEANS BILL (SENATE BILLS NO. 9 OF 2020)

(Sen. Enoch Wambua, MP)

NOTICE is given that the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Mung Bean Bill, Senate Bills No. 9 of 2020, at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended in the introductory clause by inserting the words “in consultation with the Council of County Governors,” immediately after the words “the Authority”.

CLAUSE 13

THAT clause 13 of the Bill be amended —

- (a) in subclause (1) by deleting the word “Authority” appearing immediately after the words “apply to the ” and substituting therefor the words “the county executive committee member”;
- (b) in subclause (3) by deleting the word “Authority” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”;
- (c) by inserting the following new subclause immediately after subclause (3) -
 - (4) A person who is aggrieved by the decision of the county executive committee member may, within thirty days of the decision, appeal to the High Court.

CLAUSE 21

THAT clause 21 of the Bill be amended by deleting the words “by the Authority as the case may be,” appearing immediately after the words “issued or made”.

APPENDIX

1. PETITION

Petition to the Senate by Dr. Alexander Irungu Wanjiru concerning the appointment of the Chief Executive Officer (CEO) for the National Hospital Insurance Fund (NHIF).

(The Speaker of the Senate)

2. NOTICES OF MOTION

(i) ADOPTION OF REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON AUDIT REPORTS FOR COUNTY EXECUTIVES FOR FINANCIAL YEAR 2014/2015 (1ST JULY, 2014 TO 30TH JUNE, 2015)

(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the Bomet; Homa Bay; Isiolo; Kakamega; Kiambu; Laikipia; Kisumu; Mandera; Migori; Mombasa; Murang’a; Nandi; Nyeri; Samburu; Siaya; Tana River; Tharaka Nithi; Trans Nzoia; Turkana and Wajir County Executives for the Financial Year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Thursday, 18th February, 2021.

(ii) REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 141ST ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS, HELD IN BELGRADE, SERBIA FROM 13TH TO 17TH OCTOBER, 2019

(Sen. Susan Kihika, MP)

THAT, the Senate notes the report of the Parliament of Kenya Delegation to the 141st Assembly of the Inter-Parliamentary Union (IPU) and related meetings, held in Belgrade, Serbia, from 13th to 17th October, 2019 laid on the Table of the House on Wednesday, 4th March, 2020.

...../Appendix

(iii) REPORT OF THE THIRD ORDINARY SESSION OF THE 5TH PARLIAMENT OF THE PAN – AFRICAN PARLIAMENT HELD FROM 7TH TO 18TH OCTOBER, 2019, IN MIDRAND, SOUTH AFRICA.

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, the Senate notes the Report of the Third Ordinary Session of the 5th Parliament of the Pan-African Parliament held from 7th to 18th October, 2019 in Midrand, South Africa, laid on the Table of the House on Tuesday, 10th March, 2020.

(iv) PROVISION OF MONTHLY STIPEND AND OTHER SUPPORT SERVICES TO CANCER PATIENTS IN IDENTIFIED COUNTY HOSPITALS

(Sen. (Dr.) Gertrude Musuruve Inimah, MP)

THAT AWARE THAT, in Kenya, cancer is estimated to be the third leading cause of death after infectious and cardio-vascular diseases, with the annual incidence of cancer closing in on 37,000 new cases with an annual mortality of 28,000;

FURTHER AWARE THAT, the economic impact of cancer is significant, and is increasing with staggering consequences occasioned by increased medical costs, lost income, and the financial, physical and emotional burden placed on families and caregivers during treatment time;

ACKNOWLEDGING THAT, while Kenya is among the state parties that signed and ratified the Abuja Declaration that affirmed that state parties shall set aside at least 15% of their annual budget to improve the health sector, and that Article 43(1)(a) of the Constitution of Kenya states that everyone has a right to the highest attainable standards of health;

NOTING THAT, the Ministry of Health has put in place the National Cancer Control Strategy (2016-2020) aimed at implementing a coordinated and responsive cancer control framework that leads to the reduction in incidence, morbidity and mortality through effective partnerships for collaborations for prevention, diagnostics, treatment, palliation and financing of cancer control activities to improve wellbeing of Kenyans;

...../Appendix

CONCERNED THAT, gaps in the existing legislative framework such as discriminatory practices in the form of coverage limits and bureaucracies by the National Hospital Insurance Fund (NHIF) and private insurance firms that result in delayed diagnosis, incomplete cancer treatments and inadequate follow-ups that contribute to poor outcomes for cancer patients;

NOW THEREFORE, the Senate calls upon the Ministry of Health in partnership with the Council of Governors to-

- (i) Incorporate county cancer support services in their annual development plan;
- (ii) Partner with stakeholders to create support including counseling services; and
- (iii) Provide cancer patients with free prescriptions, wigs for those who have lost their hair, improvised breasts where applicable, and a subsidy for prostheses.

(v) MOTION - RECOGNIZING AND APPRECIATING THE ELDERLY BY COUNTY GOVERNMENTS

(Sen. Rose Nyamunga, MP)

THAT, AWARE that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as Pesa ya Wazee, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

NOTING THAT the beneficiaries receive a monthly stipend of Kshs. 2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

CONCERNED HOWEVER THAT the programme’s credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

NOW THEREFORE, the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by-

...../Appendix

- (i) Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
- (ii) Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilize this allowance.

3. STATEMENTS

a) Pursuant to Standing Order 47 (1)

- i) Nominated Senator, (Sen. Petronilla Were Lokorio, MP) to make a statement on the abuse of children under the care of foreign missionaries.
- ii) The Senator for Trans Nzoia County, (Sen. Michael M. Mbito, MP) to make a statement on the film policy as the surest way to spur growth in the industry.
- iii) The Senator for Trans Nzoia County, (Sen. Michael M. Mbito, MP) to make a statement on implementing policies to protect children from harmful online content.

b) Pursuant to Standing Order 48 (1)

- i) Nominated Senator, (Sen. (Dr) Isaac Mwaura, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding National Government interventions to cushion persons with developmental disabilities, in line with the Big Four Agenda on Universal Health Coverage (UHC).
- ii) Nominated Senator, (Sen. (Dr) Isaac Mwaura, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the implementation of the guidelines of the Ministry of Public Service, Youth and Gender Affairs on retirement age of public servants with disabilities.
- iii) The Senator for Nandi County, (Sen. Samson Cherargey, MP) to seek a Statement from the Standing Committee on Information and Technology on the status of access to information regulations, as provided for in the Access to Information Act of 2016.

- iv) The Senator for Nandi County, (Sen. Samson Cherargey, MP) to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights on the operationalization of the proposed Legal Aid Fund provided for in the Legal Aid Act of 2016.

- v) Nominated Senator, (Sen. Naomi Shiyonga, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the death of Ms. Jacklyn Mugure allegedly from a stray bullet at the OTC stage area in Nairobi City County.

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