



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

SUPPLEMENTARY ORDER PAPER

TUESDAY, FEBRUARY 16, 2021 AT 2.30 P.M.

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION – APPROVAL OF THE SENATE CALENDAR FOR THE FIFTH SESSION**
(The Senate Majority Leader)

THAT, pursuant to Standing Order 29(1), this House approves the Senate Calendar (*Regular Sessions*) for the Fifth Session (February to December, 2021), laid on the Table of the House on Tuesday, 16th February, 2021.

9. **MOTION OF CONDOLENCE – THE LATE SEN. MOHAMED YUSUF HAJI, EGH, MP.**
(Senate Majority Leader)

THAT the Senate expresses its deep sadness at the death, on 15th February, 2021, of Honourable Mohamed Yusuf Haji, the Senator for Garissa County and Chairperson of the Standing Committee on National Security, Defence and Foreign Relations; records its appreciation for his contribution to public service spanning over six (6) decades; recognizes the high esteem in which he was held by colleagues from all parties and the principled, dedicated and considered manner he undertook his duties; and offers its profound sympathy and condolences to his family, friends and the nation.

...../Bill

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

(Sen. Enoch Wambua, MP)

*(Resumption of debate interrupted on Thursday, 11th February, 2021)
(Division)*

11. ***THE COOPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 11th February, 2021)

12. **MOTION - ALLOCATION BY COUNTIES OF AT LEAST 10 PERCENT OF THEIR BUDGET ON EARLY CHILDHOOD DEVELOPMENT EDUCATION (ECDE) TOWARDS VULNERABLE GROUPS IN THE COUNTIES AND DEVELOPMENT OF A POLICY TO INCORPORATE THE NEEDS OF CHILDREN WHO ARE LESS THAN THREE YEARS OF AGE**

(Sen. (Dr.) Alice Milgo, MP)

THAT, AWARE THAT, Constitution of Kenya (Article 53) affirms that children have basic rights, including the right to education, nutrition, shelter, health care and parental care, provisions that are aligned with those cited in both the Convention on the Rights of the Child and the Africa Charter on the Rights and Welfare of the Child, to which Kenya is a signatory;

CONCERNED THAT, the current status of day care facilities in the Country are not child friendly or habitable and there is need to bridge this gap to capture the play group class in the new 2-6-3-3-3 curriculum that is replacing the 32 year old 8-4-4 system;

ACKNOWLEDGING THAT, most working parents lack quality Day care facilities, as the playgroup is a safe place for them to take their children while they are at work;

NOW THEREFORE, the Senate urges that the Council of Governors in conjunction with the Ministry of Education ensure that:

- a) Counties allocate at least 10 percent of their budget on Early Childhood Development Education (ECDE) towards this vulnerable group; and,
- b) Policy is developed to incorporate the needs of children who are less than three years of age.

...../Motion

13. **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)

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

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NOTICE

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

- i) **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

APPENDIX

1. PAPERS

- i. The Budget Policy Statement, 2021;
- ii. The Medium Term Debt Management Strategy, 2021;
- iii. The Draft Division of Revenue Bill, 2021;
- iv. The Draft County Allocation of Revenue Bill, 2021;
- v. The proposed Senate Calendar (*Regular Sessions*) for the Fifth Session (February to December, 2021).
- vi. Report of the Auditor General on the Financial Statements of Nyamira County Assembly for the year ended 30th June, 2019; and
- vii. Report of the Auditor General on the Financial Statements of Nyamira County Executive for the year ended 30th June, 2019.

(The Senate Majority Leader)

2. NOTICES OF MOTION

i. APPROVAL OF THE SENATE CALENDAR FOR THE FIFTH SESSION

(The Senate Majority Leader)

THAT, pursuant to Standing Order 29(1), this House approves the Senate Calendar (*Regular Sessions*) for the Fifth Session (February to December, 2021), laid on the Table of the House on Tuesday, 16th February, 2021.

ii. MOTION OF CONDOLENCE - THE LATE SEN. MOHAMED YUSUF HAJI, EGH, MP.

(Senate Majority Leader)

THAT the Senate expresses its deep sadness at the death, on 15th February, 2021, of Honourable Mohamed Yusuf Haji, the Senator for Garissa County and Chairperson of the Standing Committee on National Security, Defence and Foreign Relations; records its appreciation for his contribution to public service spanning over six (6) decades; recognizes the high esteem in which he was held by colleagues from all parties and the principled, dedicated and considered manner he undertook his duties; and offers its profound sympathy and condolences to his family, friends and the nation.

iii. 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.

iv. 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;

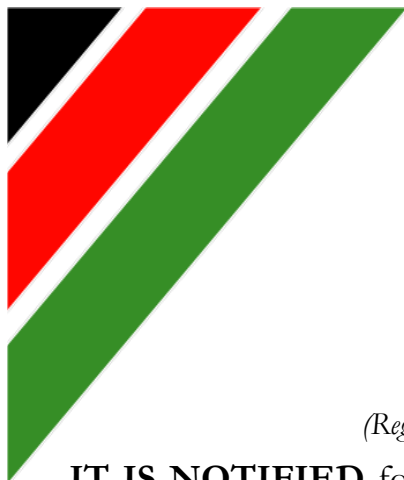
NOW THEREFORE, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant fees for parking.

2. STATEMENTS

Pursuant to Standing Order 48 (1)

- i) The Senator for Kakamega County (Sen. Cleophas Malalah, MP) to seek a statement from the Standing Committee on Tourism, Trade and Industrialization concerning alleged multiple tax payment by lorries and trucks transporting building materials across counties in Kenya.
- ii) Nominated Senator, (Sen. (Dr.) Gertrude Musuruve, MP) to seek a statement from the Standing Committee on Education on the return to school of learners who were forced out of school as a result of the COVID-19 pandemic

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**REPUBLIC OF KENYA****THE SENATE****(12TH PARLIAMENT - FIFTH SESSION)****CALENDAR***(Regular Sessions of the Senate- February to December, 2021)*

IT IS NOTIFIED for general information, that pursuant to Standing Order 29 of the Senate Standing Orders, by a Resolution made on, 2021, the Senate approved its Calendar (Regular Sessions) for the Fifth Session, 2021 as set out in the Schedule.

SCHEDULE

SITTING DATES	SITTING DAYS	RECESS DATES
Fifth Session: Part I		
9 th February, 2021 to 4 th March, 2021	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	5 th March, 2021 to 22 nd March, 2021
Fifth Session: Part II		
23 rd March, 2021 to 15 th April, 2021	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	16 th April, 2021 to 10 th May, 2021
Fifth Session: Part III		
11 th May, 2021 to 17 th June, 2021	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	18 th June, 2021 to 5 th July, 2021
Fifth Session: Part IV		
6 th July, 2021 to 5 th August, 2021	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	6 th August, 2021 to 6 th September, 2021
Fifth Session: Part V		
7 th September, 2021 to 21 st October, 2021	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	22 nd October, 2021 to 1 st November, 2021
Fifth Session: Part VI		
2 nd November, 2021 to 2 nd December, 2021	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	3 rd December, 2021 to 8 th February, 2022

...../Appendix

NOTE:

- i) The Senate shall sit from 2.30 p.m. to 6.30 p.m. pursuant to standing order 31 of the Senate Standing Orders.
- ii) Special Sittings shall be notified through *Kenya Gazette* notices, as per standing order 30 of the Senate Standing Orders.
- iii) Annual suspension of Committee Sittings - 13th December 2021 to 28th January, 2022.

**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.**