



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)
THE SENATE
ORDER PAPER

WEDNESDAY, AUGUST 04, 2021 AT 2.30 P.M.

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. ***THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)**
(Sen. Abshiro Halake, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 3rd August, 2021)

9. ***THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**
(Sen. Kipchumba Murkomen, MP)
10. ***THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**
(Sen. Mutula Kilonzo Jr, MP and Sen. Sakaja Johnson, MP)

(Second Reading)

(Second Reading)

11. ***THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 5 OF 2021)**
(Sen. (Dr.) Getrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP)

(Second Reading)

12. ***THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 26 OF 2020)**
(Sen. (Dr.) Abdullahi Ali, MP)

(Second Reading)

13. ****THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO. 35 OF 2021)**

(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

14. ***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**

(Sen. Ledama Olekina, MP)

(Second Reading)

15. ***THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 19 OF 2021)**

(Sen. Judith Pareno, MP)

(Second Reading)

16. ***THE COUNTY BOUNDARIES BILL, SENATE BILLS NO. 20 OF 2021**

(Sen. Mutula Kilonzo Jr, MP)

(Second Reading)

17. **COMMITTEE OF THE WHOLE**

***THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)**

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

18. **COMMITTEE OF THE WHOLE**

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

(Sen. Beatrice Kwamboka, MP)

19. **COMMITTEE OF THE WHOLE**

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

(Sen. Mercy Chebeni, MP)

20. **COMMITTEE OF THE WHOLE**

***THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**

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

21. **COMMITTEE OF THE WHOLE**

***THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)**

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

22. **COMMITTEE OF THE WHOLE**

****THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)**

(The Chairperson, Standing Committee on Finance and Budget)

23. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS, CONCERNING THE IMPASSE ON THE BUDGETARY ESTIMATES FOR FINANCIAL YEAR 2020/2021 FOR KIRINYAGA COUNTY BETWEEN THE COUNTY EXECUTIVE AND THE COUNTY ASSEMBLY**

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations, on the impasse on the budgetary estimates for financial year 2020/2021 for Kirinyaga County, between the County Executive and the County Assembly, laid on the Table of the Senate on Tuesday, 25th May, 2021.

24. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON INQUIRY INTO THE OPERATIONALIZATION OF THE NATIONAL CONSTRUCTION AUTHORITY (DEFECTS LIABILITY) REGULATIONS**

(The Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the report of the Standing Committee on Roads and Transportation on its inquiry into the operationalization of the National Construction Authority (Defects Liability) Regulations, laid on the Table of the Senate on Thursday, 24th September, 2020.

25. **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.

26. **MOTION – PARKING CHARGES IN PUBLIC INSTITUTIONS OFFERING ESSENTIAL SERVICES**

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

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.

27. **MOTION - 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.

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...../Notice

NOTICE

1. **THAT**, pursuant to Standing Order 251A and 251B, the sitting will be a hybrid sitting consisting of Senators who are physically present in the Senate Chamber and Senators participating virtually from a remote location through **Zoom** online meeting platform, as per guidelines issued by the Speaker pursuant to Standing Order 251A(4).
2. 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

A. THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)

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

NOTICE is given that the Chairperson, Standing Committee on Health, intends to move the following amendments to the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020) at the Committee Stage —

CLAUSE 5

THAT clause 5 of the Bill be amended in the proposed new section 2E (5) by—

(a) deleting paragraph (e) and substituting therefore the following new paragraph—

(e) is removed by the county executive committee member for being unable to perform the functions of the office by reason of mental or physical infirmity.

(b) inserting the following new subclause immediately after subclause (5)

(5A) Before the removal of a member under subsection (5)(e), the county executive committee member shall request the Council to—

(a) investigate the circumstances giving rise to the proposed removal; and

(b) make recommendations on whether or not the member should be removed from office.

CLAUSE 8

THAT clause 8 of the Bill be amended by deleting the proposed new section 4B and substituting therefor the following new section—

Removal of member of Board from office. **4B.** (1) A member of the Board may be removed from office for —

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or negligence of duty; or
- (d) any other ground that would justify removal from office under any written law.

(2) Before the removal of a member of the Board under subsection (1)(a), the Cabinet Secretary shall request the Board to—

- (a) investigate the circumstances giving rise to the proposed removal; and
- (b) make recommendations on whether or not the member should be removed from office.

CLAUSE 15

THAT clause 15 of the Bill be amended -

- (a) in the proposed new section 9D by inserting the following new paragraph immediately after paragraph (e)—
 - (ea) the number of mental health patients admitted on an emergency basis that the mental health facility or unit has discharged, are still under its care or have died in the course of treatment;
- (b) in the proposed new section 9F(2) by inserting the words “side effects” immediately after the words “likely duration” in paragraph (b).

CLAUSE 32

THAT clause 32 of the Bill be amended in the proposed new section 20A(2) by inserting the following new paragraph immediately after paragraph (b) —

- (ba) a supporter of the person with mental illness;

CLAUSE 33

THAT clause 33 of the Bill be amended in the proposed new section 21 by inserting the words “A person” immediately before the word “with mental illness” in subsection (2).

CLAUSE 38

THAT clause 38 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) subsection (1) and substituting therefor the following new subsection—
 - (1) The person in charge or a mental health practitioner in charge of any patient shall enable communication by the patient through letters, telephone calls and emails to the recipients where practicable.

CLAUSE 50

THAT the Bill be amended by deleting clause 50 and substituting therefor the following new clause—

Amendment of section 54 of Cap. 248. **50.** The Principal Act is amended by deleting section 54 and substituting therefor the following section—
Regulations. **54.** The Cabinet Secretary shall, in consultation with the Board and the Council of County Governors, make regulations—

- (a) prescribing the form of the supportive decision making agreement;
- (b) generally regulating the equipping, administration, control and management of mental health units;
- (c) for the care, treatment and rehabilitation of person with mental illness;
- (d) prescribing the procedure of admission of out-patient patients; and
- (e) for the better carrying out of the provisions of this Act.

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

(Sen. Beatrice Kwamboka, MP)

NOTICE is given that the Chairperson, Standing Committee on Education, intends to move the following amendment to the Basic Education (Amendment) Bill (Senate Bills No. 4 of 2021) at the Committee Stage—

CLAUSE 3

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

- (4) The Cabinet Secretary shall put in place measures to ensure that alternatives to milk are available for learners who are lactose intolerant.

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

(Sen. Mercy Chebeni, MP)

NOTICE is given that the Chairperson, Standing Committee on Tourism, Trade and Industrialization, intends to move the following amendments to the County Licensing (Uniform Procedures) Bill (Senate Bills No. 32 of 2020) at the Committee Stage-

CLAUSE 3

THAT clause 3 of the Bill be amended-

- (a) deleting paragraph (a) and substituting therefor the following new paragraph-
 - (a) the need to protect consumers of goods and services, ensure public safety and promote environmental protection;
- (b) in paragraph (b) by inserting the word “not” immediately after the words “manner that does”; and
- (c) in paragraph (c) by inserting the words “and in accordance with the provisions of the Access to Information Act” immediately after the words “and licensing procedures”.

CLAUSE 7

THAT clause 7 of the Bill be amended-

(a) by deleting subclause (2) and substituting therefor the following new subclause-

(2) A licensing authority shall, within three years of the commencement of this Act, put in place mechanisms to enable the electronic application for, renewal, transfer or replacement of a licence or a variation of a condition for the issuance of a licence.

CLAUSE 15

THAT clause 15 of the Bill be amended in subclause (1) by inserting the words “in writing” immediately after the words “shall inform”.

CLAUSE 19

THAT clause 19 of the Bill be amended in subclause (2) by inserting the words “and through such other media as the authority shall consider appropriate” immediately after the words “nationwide circulation”.

CLAUSE 22

THAT clause 22 of the Bill be amended by deleting paragraph (b).

CLAUSE 1

THAT the Bill be amended by deleting clause 1 and substituting therefor the following new clause-

Short title and commencement. **1.** This Act may be cited as the County Licensing (Uniform Procedures) Act, 2021 and shall come into operation upon the expiry of six months from the date of assent of this Act.

APPENDIX

1. PETITIONS

- i.) Report of the Standing Committee on Tourism, Trade and Industrialization on a Petition by residents of Uasin Gishu County concerning the liquidation of Moi University Savings and Credit Society Limited (MUSCO).

(The Chairperson, Standing Committee on Tourism, Trade and Industrialization)

- ii.) Petition to the Senate concerning the murder of Environmentalist and Conservationist, Ms. Joannah Stutchbury and protection of the environment and natural resources.

(Sen. Abshiro Halake, MP)

- iii.) Petition to the Senate by residents of Kisumu, concerning the COVID-19 situation at the Kibos Sugar Factory Limited in Kisumu County.

(Speaker of the Senate)

2. PAPERS

- i.) The Anti-Counterfeit (Amendment) Regulations, Legal Notice No. 117 of 2021; and
- ii.) The Anti-Counterfeit (Recordation) Regulations, Legal Notice No. 118 of 2021.

(The Senate Majority Leader)

- iii.) Report of the Standing Committee on Education on the County Vocational Education and Training Bill, (Senate Bills No. 6 of 2021).

(The Chairperson, Standing Committee on Education)

- iv.) Report of the Standing Committee on National Security, Defence and Foreign Relations on the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No. 36 of 2020).

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

3. STATEMENTS

- i.) Pursuant to Standing Order 47 (1)**

Nominated Senator (Sen. Iman Falhada Dekow, MP) to make a statement concerning the alarming rate of suicide cases in Kenya.

ii.) Pursuant to Standing Order 48 (1)

- i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Health concerning the approval process and importation procedure for Covid-19 vaccines into Kenya.
- ii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Health concerning the status of the alleged banned Sputnik V COVID-19 vaccine in Kenya.
- iii) The Senator for Trans-Nzoia County (Sen. (Dr.) Michael Mbito, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the state of mental health amongst officers in the disciplined forces.
- iv) Nominated Senator (Sen. Abshiro Halake, MP) to seek a statement from the Standing Committee on Education concerning the high drop-out rates of school-going girls.
- v) The Senator for Kericho County (Sen. Aaron Cheruiyot, MP) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights concerning recruitment process of Commissioners for the Kenya National Commission on Human Rights (KNCHR).

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