



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

WEDNESDAY, OCTOBER 13, 2021 AT 2.30 P.M.

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
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 DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**
(Sen. Mutula Kilonzo Jr., MP and Sen. Sakaja Johnson, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 29thSeptember, 2021)
(Division)

9. ***THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2021)**
(Sen. (Dr.) Irungu Kang'ata, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 30th September, 2021)
(Division)

10. ***THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)**
(Sen. Abshiro Halake, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 5thOctober, 2021)
(Division)

11. *****THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 5th October, 2021)
(Division)
12. ***THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 26 OF 2020)**
(Sen. (Dr.) Abdullahi Ali, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 12th October, 2021)
(Division)
13. ***THE HERITAGE AND MUSEUM BILL (SENATE BILLS NO. 22 OF 2021)**
(Sen. (Dr.) Alice Milgo, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 12th October, 2021)
14. **COMMITTEE OF THE WHOLE**
***THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)**
(Sen. (Dr.) Alice Milgo, MP)
15. ***COMMITTEE OF THE WHOLE**
THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)
(Sen. (Dr.) Agnes Zani, MP)
16. ***THE COUNTY BOUNDARIES BILL, (SENATE BILLS NO. 20 OF 2021)**
(Sen. Mutula Kilonzo Jr, MP)
(Second Reading)
17. ***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**
(Sen. Ledama Olekina, MP)
(Second Reading)
18. ***THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)**
(Sen.(CPA) Farhiya Ali Haji, MP)
(Second Reading)
19. ****THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, (SENATE BILLS NO. 37 OF 2021)**
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)
(Second Reading)

20. ***THE ALTERNATIVE DISPUTE RESOLUTION BILL (SENATE BILLS NO. 34 OF 2021)**

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

(Second Reading)

21. **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.

(Resumption of debate interrupted on Tuesday, 14th September, 2021)

...../Motion

22. **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:-

1. Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
2. Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilise this allowance.

23. **MOTION - ADOPTION OF THE FIRST PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 PANDEMIC SITUATION IN KENYA**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya, laid on the Table of the Senate on Tuesday, 30th March, 2021.

24. **ADOPTION OF THE SECOND PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 SITUATION IN KENYA AND PRELIMINARY FINDINGS ON THE SPECIAL AUDIT REPORT ON THE UTILIZATION OF COVID - 19 FUNDS BY COUNTY GOVERNMENTS.**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Second Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings of the Committee, on the Special Audit Report on the Utilization of COVID-19 funds by County Governments, laid on the table of the Senate on Tuesday, 30th March, 2021.

...../Motion

25. **MOTION - ADOPTION OF THE THIRD PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 SITUATION IN KENYA AND PRELIMINARY FINDINGS ON THE NATIONWIDE COVID-19 VACCINE ROLL OUT**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Third Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings on the nationwide COVID-19 vaccine roll out, laid on the Table of the Senate on Tuesday, 21stSeptember, 2021.

26. **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.

27. **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.

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

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

NOTICE is given that the Chairperson, Committee on Trade, Tourism and Industrialization intends to move the following amendments to the Investment Promotion (Amendment) Bill (Senate Bills No. 2 of 2021), at the Committee Stage-

CLAUSE 4

THAT clause 4 of the Bill be amended in the proposed new section 16 by deleting paragraph (g) and substituting therefor the following new paragraph-

- (g) three members, who shall include a person with disability and at least one person of the opposite gender, nominated by the Council of County Governors and appointed by the Cabinet Secretary.

CLAUSE 6

THAT clause 6 of the Bill be amended in the proposed new section 17 by deleting the word “four” appearing immediately after the words “for a term of” and substituting therefor the word “three”.

CLAUSE 16

THAT clause 16 of the Bill be amended-

- (a) in the proposed new section 26C by deleting the word “county” appearing immediately after the words “by notice in the” in subsection (1);

(b) in the proposed new section 26D by –

- (i) renumbering the existing provision as sub clause (1);
- (ii) inserting the words “including identifying and addressing barriers that hinder investment” immediately after the words “in the county” in paragraph (b); and
- (iii) inserting the following new sub clause immediately after sub clause (1) -

(2) The Unit shall, in carrying out its functions under subsection (1), undertake public participation through the modalities and platforms set out under section 91 of the County Governments Act.

B. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)

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

NOTICE is given that the Chairperson, Standing Committee on Land, Environment and Natural Resources, intends to move the following amendments to the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 25 of 2020), at the Committee Stage—

CLAUSE 10

THAT clause 10 of the Bill be amended—

- (a) by inserting the following new sub clause immediately after sub clause (2)—

- (3A) The members of the County Benefit Sharing Committee elected under subsection (2)(d) shall serve for one single term of five years.

- (b) In sub clause (4) by deleting the expression “(2)(c)” appearing immediately after the words “elected under subsection” and substituting therefor the expression “(2)(d)”.

CLAUSE 12

THAT clause 12 of the Bill be amended in sub clause (2) by deleting the words “county and local community” appearing immediately after the word “Each”.

CLAUSE 13

THAT clause 13 of the Bill be amended—

- (a) in sub clause (1) by inserting the words “two of whom shall be of the opposite gender” immediately after the words “of five persons”; and
- (b) by deleting sub clause (6) and substituting therefor the following new sub clause—

- (6) The local community benefit sharing forum shall ensure that the respective local community benefits from the exploitation of natural resources and shall, for this purpose—

- (a) collect and collate the views of the local community and represent the interests of the local community in the negotiations with the respective County Benefit Sharing Committee and in the implementation of a Benefit Sharing Agreement;
 - (b) in consultation with the local community, identify local community projects to be supported by money allocated to the local community by the County Benefit Sharing Committee under this Act; and

- (c) oversee the implementation of projects undertaken in the relevant local community using funds devolved under this Act.

CLAUSE 15

THAT clause 15 of the Bill be amended by deleting sub clause (2).

CLAUSE 2

THAT clause 2 of the Bill be amended in the definition of the word “benefit sharing agreement” by inserting the words “the exploitation of” appearing immediately after the words “revenue accruing from”.

APPENDIX**1. MESSAGE**

Message from the National Assembly on the passage of the National Health Insurance Fund (Amendment) Bill, (National Assembly Bills No. 21 of 2021).

(The Speaker of the Senate)

2. PETITION

Petition to the Senate by residents of Kericho County and Members representing Early Childhood Development (ECD) Teachers' Association concerning the Recruitment and Remuneration of Early Childhood Development (ECD) Teachers in Kericho County.

(The Speaker of the Senate)

3. PAPER

The Annual County Governments Budget Implementation Review Report for Financial Year 2020/2021.

(The Senate Majority Leader)

4. STATEMENTS**a) Pursuant to Standing Order 47 (1)**

- i) The Senator for Trans Nzoia County (Sen. (Dr.) Michael M. Mbito, MP) to make a statement concerning comprehensive plans to address the recurrent hunger crisis in the country.
- ii) The Senator for Mombasa County (Sen. Mohamed Faki, MP) to make a statement congratulating Prof. Abdulrazak Gurnah on his Award of the Nobel Peace Prize in Literature for the Year 2021.

b) Pursuant to Standing Order 48 (1)

- i) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Labour and Social Welfare concerning the status of construction of Dawson Mwanyumba Stadium in Taita Taveta County.
- ii) The Senator for Nairobi City County (Sen. Sakaja Johnson, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on the demolition of Martin Luther Primary School in Makadara Constituency, Nairobi City County.
- iii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Roads and Transportation on the delays experienced by users in service provision by the National Transport and Safety Authority (NTSA) in the counties.