



REPUBLIC OF KENYA

THE SENATE

PROGRAMME OF SENATE BUSINESS

WEEK COMMENCING TUESDAY, AUGUST 08, 2023

*** 13TH PARLIAMENT * 2ND SESSION**

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REPUBLIC OF KENYA

THE SENATE

THIRTEENTH PARLIAMENT - SECOND SESSION

PROGRAMME OF SENATE BUSINESS FOR THE WEEK
COMMENCING TUESDAY, AUGUST 08, 2023

TUESDAY Communication from the Chair, Messages, Petitions,
08/08/2023 Papers, Notices of Motion, Statements, Motions, and Bills.

A. *THE MATERNAL, NEWBORN AND CHILD HEALTH BILL
(SENATE BILLS NO. 17 OF 2023)

(Sen. Beatrice Ogola, MP)

(First Reading)

B. *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF
2023)

(Sen. Miraj A. Abdulrahman, MP)

(First Reading)

C. *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)

(Sen. James Kamau Murango, MP)

(First Reading)

D. MOTION - ADOPTION OF THE REPORT OF THE STANDING
COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY
GOVERNMENTS (EQUITABLE SHARE) CASH DISBURSEMENT
SCHEDULE FOR THE FINANCIAL YEAR 2023/2024 AND APPROVAL
OF THE COUNTY GOVERNMENT (EQUITABLE SHARE) CASH
DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR
2023/2024.

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024, laid on the Table of the Senate on Thursday, 27th July, 2023 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate **approves** the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024.

*(Resumption of debate interrupted on Thursday, 3rd August, 2023)
(Division)*

E. THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)

(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

*(Resumption of debate interrupted on Tuesday, 23rd May, 2023)
(Division)*

F. **THE EQUALIZATION FUND (ADMINISTRATION) BILL (SENATE BILLS NO. 14 OF 2023)

(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

(Resumption of debate interrupted on Thursday, 3rd August, 2023)

G. *THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)

(Sen. Wakili Hillary Sigei, MP)

(Second Reading)

H. *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)

(Sen. Moses Kajwang' MP)

(Second Reading)

I. **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)

(The Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

J. *THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

(Second Reading)

K. MOTION - INTEGRATION OF ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES IN KENYA

(Sen. William Cheptumo, MP)

AWARE THAT, Kenya is a multi-ethnic country with a rich diversity of cultures, languages and traditions;

FURTHER AWARE THAT, ethnic minorities and marginalized communities face significant social, economic and political challenges including discrimination, marginalization and exclusion;

ACKNOWLEDGING THAT Articles 10 (2)b, 21(3), 27, 56, 91(1)(e), 100, 174(e), 177(1) (c),204(3)(b),216(4) and the Fifth Schedule to the Constitution of Kenya obligate the state to promote and protect the welfare of ethnic minorities and marginalized communities;

APPRECIATING THAT, the Government has put in place policies, legal and institutional frameworks including affirmative action programs to address the needs of other special interest groups namely children, persons with disabilities (PWDS), youth, women and the elderly;

CONCERNED THAT, ethnic minorities and marginalized communities remain largely unaddressed through similar interventions due to lack of an existing national policy and legislative framework;

NOW THEREFORE the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action, the National Gender and Equality Commission and any other relevant state departments in collaboration with the Council of Governors:-

- i.) Initiate measures to identify and address the specific needs and challenges faced by ethnic minorities and marginalized communities in Kenya; and
- ii.) Develop and implement national policy and legislative framework for the integration of ethnic minorities and marginalized communities in Kenya as envisaged in the Constitution of Kenya.

*(Resumption of debate interrupted on Wednesday, 2nd August, 2023-
Morning Sitting – Balance of time – 2hrs 7mins)*

L. MOTION - REPORT OF THE 146TH ASSEMBLY OF THE INTER – PARLIAMANTARY UNION (IPU) AND RELATED MEETINGS HELD IN MANAMA, KINGDOM OF BAHRAIN FROM 11TH TO 15TH MARCH, 2023.

(Sen. Kathuri Murungi, MP)

THAT, the Senate notes the Report of the 146th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings, held in Manama, Kingdom of Bahrain, from 11th to 15th March, 2023, laid on the Table of the Senate on Tuesday 2nd May, 2023.

M. MOTION - REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS

(Sen. Wahome Wamatinga, MP)

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

NOTING THAT the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

COGNIZANT THAT the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavorable as a result of the high cost of living, lowered earnings from the App providers and high interest rates;

NOW THEREFORE the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

N. Any Other Business

WEDNESDAY

09/08/2023

(Morning Sitting)

Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Questions, Motions, Bills and any other Business not concluded on Tuesday, 1st August, 2023.

A. QUESTIONS

QUESTION NO.	SENATOR	SUBJECT	MINISTRY
021	Sen. George Mbugua, MP	Delay in review of the Basic Education Act to address PWDs education needs and	Education

		the non-implementation of the Sector Policy for Learners and Trainees with Disabilities (2018)	
027	Sen. Joyce Korir, MP	Status of completion of the stalled project at Bomet University	Education
034	Sen. Peris P. Tobiko, CBS, MP	Implementation of the Competency Based Curriculum (CBC) and the purpose of the Kenya Primary School Education Assessment (KPSEA	Education
035	Sen. Mariam Omar Sheikh, MP	Alleged discrimination against Muslim students, with regard to the wearing of <i>Hijab</i> and trousers, in some public schools	Education
037	Sen. Samson Cherarkey, MP	Capitation and the disbursement process of funds to all public schools	Education
038	Sen. Samson Cherarkey, MP	Status of the 'delocalization' programme	Education
039	Sen. Samson Cherarkey, MP	Lifestyle audit on senior officers at the Teachers Service Commission	Education
040	Sen. Samson Cherarkey, MP	Non remittance of Union and SACCO dues by the TSC	Education

B. MOTION - DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES

(Sen. Crystal Asige, MP)

THAT AWARE THAT, Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

NOTING THAT the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions which if uncontrolled, will result to negative impact of climate change that will adversely affect millions of Kenyans;

CONCERNED THAT the number of private vehicles has significantly grown leading to increased road accidents, carbon emission and vehicle congestion costs which are in excess of Kshs. 100 billion in GDP per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, in collaboration with the Council of Governors, and the National Climate Change Council to;

- i.) identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas;
- ii.) provide affordable, safe and efficient public transport including but not limited to development of Bus Rapid Transport (BRT) in the urban areas;
- iii.) encourage the use of electric hybrid buses and provide appropriate incentives for their use; and
- iv.) design an infrastructure that can support non – motorized transport facilities such as pedestrian and bicycle access within urban centers; and
- v.) ensure inter-modal connectivity among the various transport modes.

C. MOTION - DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA

(Sen. Catherine Mumma, MP)

AWARE THAT the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination;

FURTHER AWARE THAT Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects;

CONCERNED THAT inadequate attention to social risks in the planning and implementation of development projects at both national and county levels makes them unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks;

NOW, THEREFORE, the Senate resolves that:

1. The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and
2. The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

D. Any Other Business

WEDNESDAY
09/08/2023
(Afternoon Sitting)

Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions, Bills and any other Business not concluded on Tuesday, 1st August, 2023.

A. COMMITTEE OF THE WHOLE

***THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)**

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

B. COMMITTEE OF THE WHOLE

***THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)**

(Sen. Maureen Tabitha Mutinda, MP)

C. COMMITTEE OF THE WHOLE

***THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)**

(Sen. Crystal Asige, MP)

D. COMMITTEE OF THE WHOLE

***THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)**

(Sen. Enoch Wambua, MP)

E. COMMITTEE OF THE WHOLE

***THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)**

(Sen. Crystal Asige, MP)

F. COMMITTEE OF THE WHOLE

***THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)**

(Sen. Mariam Sheikh Omar, MP)

G. **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

(Second Reading)

H. *THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)

(Sen. Samson Cherarkey, MP)

(Second Reading)

I. MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE EDWARD OTIENO ONYANGO DUE TO ALLEGED MEDICAL NEGLIGENCE

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the death of Late Edward Otieno Onyango, due to alleged medical negligence, laid on the table of the Senate on Wednesday, 31st May, 2023.

J. MOTION- ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE MAUREEN ANYANGO AT MAMA LUCY KIBAKI HOSPITAL DUE TO ALLEGED MEDICAL NEGLIGENCE

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the death of the late Maureen Anyango at Mama Lucy Kibaki Hospital due to alleged medical negligence, laid on the table of the Senate on Wednesday, 31st May, 2023.

K. MOTION- ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE CIRCUMSTANCES THAT LED TO THE DEATH OF THE LATE MASTER TRAVIS MAINA AT KENYATTA NATIONAL HOSPITAL

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the circumstances that led to the death of the late Master Travis Maina at Kenyatta National Hospital, laid on the table of the Senate on Wednesday, 31st May, 2023.

L. Any Other Business

THURSDAY
10/08/2023

Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions, Bills and any other Business not concluded on Wednesday, 2nd August, 2023.

A. *THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)

(Sen. James Murango, MP)

(Second Reading)

B. *THE CONSTITUTION OF KENYA (AMENDMENT) BILL 9SENATE BILLS NO. 15 OF 2023)

(Sen. Beth Syengo, MP)

(Second Reading)

C. **THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (SENATE BILLS NO. 22 OF 2023)**

(The Senate Majority Leader)

(Second Reading)

D. MOTION – REGULATION OF ELECTRONIC CIGARETTES IN KENYA

(Sen. Catherine Mumma, MP)

THAT, AWARE THAT Section 68 (1) (b) of the Health Act, 2017 provides for interventions by the national government to reduce the use of tobacco and other addictive substances and to counter exposure of children and others to tobacco

smoke, and Section 32 of the Tobacco Control Act, 2007 provides for the right of every person to a smoke free environment including the protection from exposure to second-hand smoke;

CONCERNED THAT, while the Tobacco Control Act, defines key terms and covers topics including, but not limited to, restrictions on public smoking, tobacco advertising, promotion and sponsorship, and packaging and labelling of tobacco products, Section 2 of the Act does not contemplate non tobacco products and therefore lacks restrictions on the use, advertising, promotion and sponsorship, or packaging and labelling of synthetic nicotine in the form of e-cigarettes resulting in the increase in popularity and consumption of e-cigarettes among the youth including minor children;

NOW THEREFORE, the Senate resolves that the Ministry of Health should urgently convene an all-inclusive stakeholder forum to:

1. Develop a national policy regulating e-cigarettes and all related elements, including vape pens, e-liquids, flavors and their marketing and advertising in mainstream media as well as social media; and
2. Establish rules to govern the production, sale, advertising and consumption of synthetic nicotine, and control the illicit trade of counterfeit products.

E. MOTION – REPORT OF THE SENATE DELEGATION TO THE 67TH SESSION OF THE COMMISSION ON THE STATUS OF WOMEN (CSW 67) HELD IN NEW YORK, FROM 6TH TO 17TH MARCH 2023.

(Sen. Fatuma Dullo, MP)

THAT, the Senate notes the Report of the Senate Delegation to the 67th Session of the Commission on the Status of Women (CSW) held in New York, from 6th to 17th March, 2023, laid on the Table of the Senate on Thursday, 29th June, 2023.

F. MOTION – ADJOURNMENT OF THE SENATE

(The Senate Majority Leader)

THAT, pursuant to Standing Order 31 (3), the Senate do adjourn until Tuesday, 5th September, 2023.

G. Any Other Business

TUESDAY

04/09/2023

Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions, Bills and any other Business not concluded on Thursday, 9th August, 2023.

A. *THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 24 OF 2023)

(Sen. Moses Kajwang', MP)

(Second Reading)

B. *THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)**

(The Senate Majority Leader)

(Second Reading)

C. *THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2023)**

(The Senate Majority Leader)

(Second Reading)

D. *THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)

(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

E. MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS

(Sen. William Cheptumo, MP)

THAT AWARE THAT, cattle rustling is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT; the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling to:
 - (i) Investigate the causes of the rampant cattle rustling in the said region and the Country at large;
 - (ii) Establishes extent of loss and damage the cattle rustling has occasioned to the communities in all the affected Counties;
3. Create a special fund for mitigating the losses suffered by and in compensating all victims of cattle rustling and settle all internally displaced persons occasioned by the menace.

F. MOTION - DROUGHT MITIGATION PROGRAMME IN PUBLIC SCHOOLS

(Sen. Enoch Wambua, MP)

AWARE THAT, Kenya is experiencing the most intense, severe and alarming drought in forty (40) years, as a result of the failure of four consecutive rainy seasons, affecting more than twenty (20) counties in arid and semi-arid lands (ASAL);

FURTHER AWARE THAT, more than 4.2 million people representing 24% of the ASAL population are facing high levels of acute food insecurity, with about 2.7 million in crisis phase and 785,000 people in emergency state;

NOTING THAT, the national and county governments, both local and international development partners and philanthropists have made attempts to respond to the dire situation occasioned by the severe drought;

CONCERNED THAT, thousands of children did not attend school during the third term of the academic year 2022 and beginning of 2023 as a result of the ongoing drought;

NOW THEREFORE, the Senate urges: -

1. the Ministry of East African Community (EAC), the ASALs and Regional Development to develop immediate and long-term interventions to alleviate the ravaging effects of drought and hunger periodically affecting the country and more severely the ASAL areas;
2. the Ministry of Education, in conjunction with the Council of Governors, to establish modalities to ensure no learners are sent away from schools due to lack of school fees to ensure that children from vulnerable families have access to education; and
3. the Ministry of Education, in conjunction with the Council of Governors to implement effective school feeding programmes to ensure that children from vulnerable families in drought-hit region have access to at least one hot meal per day and that no child misses' class due to lack of food.

G. MOTION - URBAN PLANNING FOR SUSTAINABLE LIVING

(Sen. Mohamed Faki Mwinyihaji, MP)

THAT, AWARE THAT rapid urbanization, as experienced in most Kenyan towns, contributes to a significant portion of greenhouse gas emissions leading to environmental degradation;

FURTHER AWARE THAT factors associated with urbanization, including changes to a more sedentary lifestyle, diet, and environment, have resulted in an increase in the prevalence of non-communicable diseases such as cardiovascular disease, diabetes, and cancer;

APPRECIATING THAT prioritizing sustainability and environmental responsibility creates livable, healthy, and resilient communities for present and future generations;

NOW THEREFORE, the Senate urges the:

- i.) Ministry of Roads and Transport to review the standards for construction of public roads to require the incorporation of dedicated lanes and tracks for exclusive use by non-motorized forms of transport to encourage their use for reduced air and noise pollution and improved overall public health;
- ii.) Ministry of Environment and Forestry and the Ministry of Roads and Transport, in collaboration with the Council of Governors to develop a policy framework to mitigate the impact of climate change by guiding the:-

- a. dedication of sections of the respective CBDs on specified days as car- free zones to encourage more walking and a healthier lifestyle;
- b. designation and maintenance of green spaces such as parks and community gardens within urban centres; and,
- c. sensitization of the public on sustainable living and environmental responsibility.

H. Any Other Business

KEY

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

***** - Denotes a National Assembly Bill**

**** - Denotes a Committee Bill**

*** - Denotes any other Bill**