



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
TUESDAY, JULY 21, 2020 AT 2:30 PM

PRAYERS

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. **MOTION – PROVISION OF CEMETERY, FUNERAL PARLOURS AND CREMATORIA IN ALL COUNTIES**
(Sen. (Dr.) Alice Milgo, MP)

THAT, AWARE THAT under Article 61 of the Constitution of Kenya, land in Kenya is classified into three categories, public, Community and private land;

FURTHER AWARE THAT, public land is vested in both the County and National Governments and is managed on their behalf by the National Land Commission, and that Article 62 (2) clarifies the distribution of public land between the two levels of government.;

COGNIZANT THAT, the Fourth Schedule of the Constitution delegates cemeteries, funeral parlours and crematoria as a function of County Governments;

...../**Motion**

CONCERNED THAT, cemeteries in the Country are filling up, and counties are finding it increasingly difficult to identify land to allocate as “public” for use as a cemetery with the knowledge that any cemetery or burial-place that is crowded and therefore dangerous to health is defined as constituting a nuisance in the Public Health Act;

NOW THEREFORE, the Senate calls upon the county governments to ensure that funds are allocated in the County Annual Development Plans for FY 2020/2021, towards the planning and development of cemetery, funeral parlours and crematory facilities.

*(Resumption of debate interrupted on Thursday, 12th March, 2020)
(Division)*

9. **MOTION – APPROVAL OF THE THIRD REPORT OF THE PROCEDURE AND RULES COMMITTEE ON AMENDMENTS TO THE SENATE STANDING ORDERS TO FACILITATE VIRTUAL SITTINGS OF THE SENATE AND ITS COMMITTEES**

(Vice-Chairperson, Procedure and Rules Committee)

THAT, Pursuant to Standing Orders 252 and 255, the Senate **approves** the Third Report of the Procedure and Rules Committee on amendments to the Senate Standing Orders to facilitate virtual sittings of the Senate and its committees, laid on the table of the Senate on Tuesday, 16th June, 2020, and pursuant to the provisions of Article 124(1) of the Constitution and Standing Orders 255 and 257-

- i. resolves to amend its Standing Orders as contained in Appendix 1 to the Report; and,
- ii. orders that the amendments to the Standing Orders as contained in Appendix 1 to the Report shall come into effect upon approval.

10. **COMMITTEE OF THE WHOLE**
*****THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 35 OF 2019)**

(The Senate Majority Leader)

11. **COMMITTEE OF THE WHOLE**
***THE COUNTY TOURISM BILL (SENATE BILLS NO. 5 OF 2019)**

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

12. **COMMITTEE OF THE WHOLE**
***THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 11 OF 2019)**

(Sen. Beatrice Kwamboka, MP)

13. ***THE PROMPT PAYMENT BILL (SENATE BILLS NO. 3 OF 2020)**

(Sen. (CPA) Farhiya Haji, MP and Sen. Sakaja Johnson, MP)

(Second Reading)

***(Resumption of debate interrupted on Tuesday, 23rd June, 2020 –
Afternoon Sitting)***

14. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2019)**

(Sen. Johnes Mwaruma, MP)

(Second Reading)

15. ***THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2020)**

(Sen. Abshiro Halake, MP)

(Second Reading)

16. ***THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 2 OF 2020)**

(Sen. Rose Nyamunga, MP)

(Second Reading)

17. *****THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

18. ***THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 5 OF 2020)**

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

(Second Reading)

19. *****THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 51 OF 2017)**

(The Senate Majority Leader)

(Second Reading)

20. *****THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

21. *****THE EQUALIZATION FUND BILL (NATIONAL ASSEMBLY BILLS NO. 43 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

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...../Notice

NOTICE

The Senate resolved on 18th February, 2020 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.

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 INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 35 OF 2019)

(The Senate Majority Leader)

NOTICE is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Independent Electoral and Boundaries Commission (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2019) at the Committee Stage—

CLAUSE 2

THAT clause 2 of the Bill be amended—

(a) in paragraph (a) by deleting the word “eleven” appearing immediately after the words “therefor the words” and substituting therefor the word “seven”;

(b) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) by deleting paragraph 1(2) and substituting therefor the following new subparagraph—

(2) The selection panel shall consist of—

(a) two men and two women nominated by the Parliamentary Service Commission;

(b) one person nominated by the Law Society of Kenya; and

(c) two persons nominated by the Inter-religious Council of Kenya.

(c) by inserting the following new paragraph immediately after paragraph (b)—

(ba) by inserting the following new paragraph immediately after paragraph 1(2)—

(2A) A person is qualified for appointment as a member of the selection panel if such person—

(a) is a citizen of Kenya;

(b) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution; and

(c) holds a degree from a university recognised in Kenya.

B. *THE COUNTY TOURISM BILL (SENATE BILLS NO. 5 OF 2019)

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

NOTICE is given that the Chairperson, Standing Committee on Tourism, Trade and Industrialization, intends to move the following amendments to the County Tourism Bill, Senate Bills No. 5 of 2019, at the Committee Stage-

CLAUSE 3

THAT clause 3 of the Bill be amended by deleting the words “provided that provisions amending the Tourism Act shall not be restricted to local tourism” appearing immediately after the words “respective county”.

CLAUSE 4

THAT clause 4 of the Bill be amended by deleting subclause 2 and substituting therefor the following new subclause-

(2) The county executive committee member shall, in discharging the functions under this Act, facilitate public participation.

CLAUSE 5

THAT clause 5 of the Bill be amended by inserting the following new subclause immediately after subclause (1)-

(1A) In making a decision to designate an area as a special local tourism management area under subsection (1), the county executive committee member shall consult the National Environment Management Authority and the National Museums of Kenya.

CLAUSE 6

THAT clause 6 of the Bill be amended-

(a) in subclause (3) by deleting the words “the Authority” appearing immediately after the words “be prescribed by”;

(b) by inserting the following new subclause immediately after subclause (3)-

(3A) The fee prescribed by a county executive committee member under subsection (3) shall not exceed the maximum amount prescribed in regulation by the Cabinet Secretary.

CLAUSE 12

THAT clause 12 of the Bill be amended in subclause (3) by deleting the words “the Authority” appearing immediately after the words “fee prescribed by” and substituting therefor the words “the county executive committee member”.

CLAUSE 14

THAT clause 14 of the Bill be amended-

(a) by deleting subclause (1) and substituting therefor the following new subclause-

(1) The Cabinet Secretary shall, in consultation with the Council of County Governors make Regulations for the better carrying out of the provisions of this Act.

(b) in subclause (2) by inserting the following new paragraph immediately after paragraph (b) -

(ba) the maximum amount of fees payable on application for the issuance, renewal or variation of a license under this Act;

NEW CLAUSE 3A

THAT the Bill be amended by inserting the following new clause immediately after clause 3-

Responsibilities
of National
Government.

3A. The National Government shall, in promoting county tourism-

(a) formulate and develop guidelines for sustainable practices relating to local tourism recommend to the council of county governors best practices for the promotion of local tourism ;

(b) develop guidelines on uniform standards for the promotion of local tourism; and

(c) establish a framework for the monitoring and evaluation of programmes and activities on local tourism;

(d) make recommendations to county governments based on monitoring and assessment of tourist activities and services to enhance continuous improvement and adherence to principles of sustainable local tourism.

NEW CLAUSE 17

THAT the Bill be amended by inserting the following new clause immediately after clause 16-

Consequential amendment.

17. Section 7 of the Tourism Act is amended by inserting the following new subsection immediately after subsection (1)-

(1A) In discharging its functions under subsection (1)(c), the Authority shall not issue, vary or renew licences for activities classified as local tourism activities under this Act or any other law.

FIRST SCHEDULE

THAT the title to the First Schedule to the Bill be amended by deleting the word "FIRST" appearing immediately before the word "SCHEDULE".

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definitions in the correct grammatical sequence-

"Cabinet Secretary" means the Cabinet Secretary responsible for matters relating to tourism;

"National Environment Management Authority" means the National Environment Management Authority established under section 7 of the Environmental Management and Coordination Act;

"National Museums of Kenya" means the National Museums of Kenya established under section 3 of the National Museums and Heritage Act.

C. *THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 11 OF 2019)

(Sen. Beatrice Kwamboka)

- i. NOTICE** is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Care and Protection of Child Parents Bill (Senate Bills No. 11 of 2019) at the Committee Stage —

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (2) by—

- (a) deleting the words “family life” appearing at the end of paragraph (a) and substituting therefor the word “parenting”;
- (b) inserting the following new paragraph immediately after paragraph (b)—

(ba) collaborate with the National Social Assistance Authority to ensure that needy child parents of children born with special needs or their care takers, are beneficiaries of social assistance;

and

- (c) deleting the word “students” appearing at the end of paragraph (d) and substituting therefor the word “learners”.

CLAUSE 5

THAT clause 5 of the Bill be amended in paragraph (b) by deleting the word “students” appearing immediately after the words “that ensure that” in subparagraph (ii) and substituting therefor the word “learners”.

CLAUSE 6

THAT clause 6 of the Bill be amended in subclause (1) by deleting paragraph (e) and substituting therefore the following new paragraph—

(e)put in place programmes—

- (i) aimed at capacity building for child parents to ensure that they are able to support their families; and
- (ii) for responsible parenting.

CLAUSE 7

THAT clause 7 of the Bill be amended in subclause (2) by deleting the words “and encouraging positive sexual behaviour amongst children in the institution” appearing at the end of paragraph (a).

CLAUSE 8

THAT clause 8 of the Bill be amended—

(a) by deleting the marginal note and substituting therefor the following new marginal note—

Rights of pregnant and parenting learners.

(b) in subclause (2) by deleting the word “student” appearing at the end of paragraph (a) and substituting therefor the word “learner”.

CLAUSE 10

THAT clause 10 of the Bill be amended by inserting the following new subclause immediately after subclause (1)—

(1A) The principal shall, upon receipt of the information under subsection (1), and before any action is taken, inform the parent or guardian of the child’s pregnancy.

CLAUSE 11

THAT clause 11 of the Bill be amended by—

(a) deleting subclause (1) and substituting therefor the following new subclause—

(1) Every case of a child who falls pregnant in an institution of basic education shall be handled by the management of the institution of basic education in a manner that ensures confidentiality.

and

(b) deleting subclause 3.

CLAUSE 14

THAT clause 14 of the Bill be amended by deleting subclause (2).

CLAUSE 15

THAT clause 15 of the Bill be amended in subclause (1) by deleting the word “students” appearing immediately after the words “and parenting” in paragraph (d) and substituting therefor the word “learners”.

CLAUSE 23

THAT clause 23 of the Bill be amended in subclause (2) by inserting the words “in writing” immediately after the words “licensee, a notice” in paragraph (a).

CLAUSE 2

THAT clause 2 of the Bill be amended by—

- (a) deleting the definition of the term “child parent” and substituting therefor the following new definition—

“child parent” means a person who has not attained the age of eighteen years and is a mother or a father of a child;
and

- (b) inserting the following new definition immediately after the definition of the term “county executive committee member”—

“learner” has the meaning assigned to it under the Teachers Service Commission Act, 2012;

- ii. **NOTICE** is given that Sen. Gertrude Musuruve Inimah, MP, intends to move the following amendments to the Care and Protection of Child Parents Bill (Senate Bills No. 11 of 2019) at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (b)—

(ba) collaborate with the National Social Assistance Authority to ensure that needy child parents of children born with special needs or their care takers, are beneficiaries of social assistance;

APPENDIX

1. PETITIONS

- i) Petition to the Senate concerning resettlement of internally displaced persons (IDPs) living in Nyandarua County.

(Sen. Mwangi Paul Githiomi, MP)

- ii) Petition to the Senate by pensioners under the Kenya Railways Staff Retirement Benefits Scheme concerning the looming collapse of the scheme due to mismanagement, and psychological torture arising from non-payment of benefits.

(Sen. (Dr.) Michael Mbito, MP)

- iii) Petition to the Senate by the Makueni County Assembly Committee on Environment and Climate Change regarding the adverse effects of rock blasting for the construction of Thwake Dam.

(The Speaker of the Senate)

2. PAPERS

- i) The County Governments Budget Implementation Review Report for the First Nine Months of Financial Year 2019/2020.
- ii) The Crops (Sugar) (Imports, Exports and By-Products) Regulations, 2020.

(The Senate Majority Leader)

3. STATEMENTS

a) Pursuant to Standing Order 47 (1)

- i) Nominated Senator (Sen. (Dr.) Alice Milgo, MP) to make a statement regarding the appointment of Sen (Dr.) Gertrude Musuruve Inimah, MP, to the position of Co-chair of the International Parliamentary Network on Education.
- ii) The Senator for Trans-Nzoia County (Sen. (Dr.) Michael Mbito, MP) to make a statement regarding alleged misappropriation of health and COVID-19 funds and the general deterioration of the health sector in Trans – Nzoia County.
- iii) The Senator for Vihiga County (Sen. George Khaniri, MP) to make a statement regarding handling of the COVID-19 Situation in the country.

b) Pursuant to Standing Order 48 (1)

- i) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning pollution of the environment by industrial emissions.
- ii) Nominated Senator (Sen. Abshiro Halake, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the status of automation of land registries and general land records.
- iii) The Senator for Kakamega County (Sen. Cleophas Malalah, MP) to seek a statement from the Standing Committee on Finance and Budget concerning the proposed increase of Excise Duty on beer made from sorghum, millet and cassava.
- iv) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the status of Voi Point Limited, L.R. No. 28683.
- v) Nominated Senator (Sen. Abshiro Halake, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the provision of training opportunities for persons living with disabilities serving in the Public Service.
- vi) The Senator for Mombasa County (Sen. Mwinyihaji Mohamed Faki, MP) to seek a statement from the Standing Committee on Roads and Transportation concerning the ongoing reconstruction of the Makupa Causeway – Digo road, that leads to Jomvu area.
- vii) The Senator for Nairobi County (Sen. Johnson Sakaja, MP) to seek a statement from the Standing Committee on County Public Accounts and Investments concerning the source and utilization of funds on the beautification and “ng’arisha jiji” programme by Nairobi City County government.
- viii) The Senator for Bungoma County (Sen. Moses Wetang’ula, MP) to seek a statement from the Standing Committee on Education concerning payment of salaries to teachers serving in private schools following the outbreak of COVID – 19 pandemic in Kenya.
- ix) Nominated Senator (Sen. Isaac Mwaura, MP) to seek a statement from the Ad- hoc Committee on COVID-19 Situation in Kenya regarding Persons With Disabilities (PWDs) who have benefitted from the COVID-19 Response Fund set up by the National Government.
- x) Nominated Senator (Sen. Isaac Mwaura, MP) to seek a statement from the Standing Committee on Roads and Transportation regarding Persons With Disabilities (PWDs) who have benefitted from the *Kazi Mtaani* Program by the National Government.

- xi) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Energy regarding alleged loss of 7 billion in penalties paid to investors in the Lake Turkana Wind Power Project.
- xii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Health regarding a public notice issued by the Kenya Medical Research Institute (KEMRI) on handling of samples and testing for COVID-19.

c) Pursuant to Standing Order 51 (1) (a)

The Chairperson, Sessional Committee on Delegated Legislation to make a statement relating to a matter for which the Committee is responsible.

d) Pursuant to Standing Order 52 (1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 28th July, 2020.
