



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
SUPPLEMENTARY ORDER PAPER
TUESDAY, NOVEMBER 10, 2020 AT 2.30 P.M.

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 (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION - ALTERATION OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE FOURTH SESSION, 2020 (PART V)**
(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 27th February, 2020 (approval of the Senate Calendar), on 15th September, 2020 and 8th October, 2020, (alteration of the Senate Calendar); pursuant to Standing Orders 29(4) and 31(3), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fourth Session, 2020, in respect of Part V, to hold one Sitting on Tuesdays, beginning on Tuesday, 10th November, 2020, until Tuesday, 1st December, 2020, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2020, be altered accordingly.

9. **MOTION - ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION ON THE CROPS (TEA INDUSTRY) REGULATIONS, 2020 - LEGAL NOTICE NO. 97 OF 2020**
(Chairperson, Sessional Committee on Delegated Legislation)

THAT, the Senate **adopts** the Report of the Sessional Committee on Delegated Legislation on the Crops (Tea Industry) Regulations, 2020 – Legal Notice No. 97 of 2020, laid on the Table of the Senate on Tuesday, 10th

...../*Motions*

November, 2020, and that pursuant to Section 18 of the Statutory Instruments Act and Standing Orders 221(4)(b) and 221(5)(b), **annuls** in its entirety, the Crops (Tea Industry) Regulations, 2020 - Legal Notice No. 97 of 2020.

- 10. ***THE MUNG BEANS BILL (SENATE BILLS NO. 9 OF 2020)**
(Sen. Enoch Wambua, MP)

(Second Reading)

- 11. **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.

(Resumption of debate interrupted on Wednesday, 4th November, 2020)

...../Motions

- 12. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS INQUIRY INTO THE**

OPERATIONALIZATION OF THE NATIONAL CONSTRUCTION AUTHORITY (DEFECTS LIABILITY) REGULATIONS, 2020.

(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 National Construction Authority (Defects Liability) Regulations, 2020, laid on the table of the Senate, on Thursday, 24th September, 2020.

13. **MOTION- REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 141ST ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS, HELD IN BELGRADE, SERBIA FROM 13TH TO 17TH OCTOBER, 2019**

(Sen. Susan Kihika, MP)

THAT, the Senate notes the report of the Parliament of Kenya Delegation to the 141st Assembly of the Inter-Parliamentary Union (IPU) and related meetings, held in Belgrade, Serbia, from 13th to 17th October, 2019 laid on the Table of the House on Wednesday, 4th March, 2020.

14. **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.

15. **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;

...../Motions

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 parents lack access to quality daycare facilities, which would provide a safe and stimulating environment to take care of their children while they are at work;

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

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

16. **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;

...../Motions

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.

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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

APPENDIX

1. PETITION

Report of the Standing Committee on Labour and Social Welfare on a 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.

(Chairperson, Standing Committee on Labour and Social Welfare)

2. PAPERS

- i) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Mung Beans Bill (Senate Bills No. 9 of 2020).

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

- ii) Report of the Sessional Committee on Delegated Legislation on the Crops (Tea Industry) Regulations 2020, Legal Notice No. 97 of 2020.

(Chairperson, Sessional Committee on Delegated Legislation)

3. NOTICES OF MOTION

- i) **ALTERATION OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE FOURTH SESSION, 2020 (PART V)**

(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 27th February, 2020 (approval of the Senate Calendar), on 15th September, 2020 and 8th October, 2020, (alteration of the Senate Calendar); pursuant to Standing Orders 29(4) and 31(3), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fourth Session, 2020, in respect of Part V, to hold one Sitting on Tuesdays, beginning on Tuesday, 10th November, 2020, until Tuesday, 1st December, 2020, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2020, be altered accordingly.

.....**Appendix.**

- ii) **ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION ON THE CROPS (TEA INDUSTRY) REGULATIONS, 2020 - LEGAL NOTICE NO. 97 OF 2020**
(Chairperson, Sessional Committee on Delegated Legislation)

THAT, the Senate **adopts** the Report of the Sessional Committee on Delegated Legislation on the Crops (Tea Industry) Regulations, 2020 – Legal Notice No. 97 of 2020, laid on the Table of the Senate on Tuesday, 10th November, 2020, and that pursuant to Section 18 of the Statutory Instruments Act and Standing Orders 221(4)(b) and 221(5)(b), **annuls** in its entirety, the Crops (Tea Industry) Regulations, 2020 - Legal Notice No. 97 of 2020.

4. STATEMENTS

a) Pursuant to Standing Order 47 (1)

- i) Nominated Senator (Sen. Rose Nyamunga, MP), to make a statement regarding alleged increasing cases of murders, abductions and mysterious disappearance of people in Kisumu County.
- ii) The Senator for Vihiga County (Sen. George Khaniri, MP) to make a statement concerning the management of the tea sector in Kenya and the plight of tea farmers.

b) Pursuant to Standing Order 48 (1)

- i) Nominated Senator (Sen. Petronilla Were Lokorio, MP), to seek a statement from the Standing Committee on Roads and Transportation on alleged procurement irregularities, and governance malpractices at the Kenya National Highways Authority (KeNHA).
- ii) Nominated Senator (Sen. Millicent Omanga, MP), to seek a statement from the Standing Committee on Labour and Social Welfare regarding the resumption of sporting activities in the country.
- iii) Nominated Senator (Sen. Mercy Chebeni, MP), to seek a statement from the Standing Committee on Education regarding the review of accredited academic programmes and courses by the Commission for University Education (CUE).
- iv) The Senator for Trans Nzoia County (Sen. Michael Mbito, MP), to seek a statement from the Standing Committee on Tourism, Trade and Industrialization over alleged failure by M/S Trident Insurance Company Limited to settle claims.

...../Appendix

- v) Nominated Senator (Sen. Petronilla Were Lokorio, MP), to seek a statement from the Standing Committee on Information and Technology regarding alleged monopolistic practices by telecommunication company M/S Safaricom PLC.
- vi) Nominated Senator (Sen. Millicent Omanga, MP), to seek a statement from the Standing Committee on Finance and Budget regarding the financial status of deposit-taking commercial banks.

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

- i) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations to make a statement relating to the activities of the Committee.
- ii) The Chairperson, Standing Committee on Roads and Transportation to make a statement relating to the activities of the Committee.
- iii) The Chairperson, Standing Committee on Land, Environment and Natural Resources to make a statement relating to the activities of the Committee.
- iv) The Chairperson, Sessional Committee on Delegated Legislation to make a statement relating to the activities of the Committee.
