



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

WEDNESDAY, FEBRUARY 17, 2021 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. ***THE COOPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 11th February, 2021)

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

...../*Motion*

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;

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 working parents lack quality Day care facilities, as the playgroup is a safe place for them to take their children while they are at work;

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

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

11. **MOTION - ADOPTION OF REPORTS OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON AUDIT REPORTS FOR COUNTY EXECUTIVES FOR FINANCIAL YEARS 2015/2016, 2016/2017, AND 2017/2018 (VOLUMES I, II AND III)**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT this House adopts the Reports of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the following County Executives for the Financial Years 2015/2016, 2016/2017, and 2017/2018, laid on the Table of the Senate on Thursday, 11th February, 2021 –

(i) **Volume I -**

- a) Baringo
- b) Elgeyo Marakwet
- c) Homa Bay
- d) Kakamega
- e) Kiambu

...../Moiton

(ii) **Volume II -**

- a) Kisii
- b) Mandera
- c) Mombasa
- d) Taita Taveta
- e) Kilifi

(iii) **Volume III -**

- a) Garissa
- b) Wajir
- c) Narok
- d) Kericho
- e) Lamu

-----**xxx**-----

NOTICE

The Senate resolved on 10th February, 2021, as follows:-

- i) **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.

-----**XXX**-----

KEY

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

***- Denotes a National Assembly Bill

** - Denotes a Committee Bill

*- Denotes any other Bill

...../Notice of Amendments

NOTICE OF AMENDMENTS

***THE MUNG BEANS BILL (SENATE BILLS NO. 9 OF 2020)**

(Sen. Enoch Wambua, MP)

NOTICE is given that the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Mung Bean Bill, Senate Bills No. 9 of 2020, at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended in the introductory clause by inserting the words “in consultation with the Council of County Governors,” immediately after the words “the Authority”.

CLAUSE 13

THAT clause 13 of the Bill be amended —

- (a) in subclause (1) by deleting the word “Authority” appearing immediately after the words “apply to the ” and substituting therefor the words “the county executive committee member”;
- (b) in subclause (3) by deleting the word “Authority” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”;
- (c) by inserting the following new subclause immediately after subclause (3) -

(4) A person who is aggrieved by the decision of the county executive committee member may, within thirty days of the decision, appeal to the High Court.

CLAUSE 21

THAT clause 21 of the Bill be amended by deleting the words “by the Authority as the case may be,” appearing immediately after the words “issued or made”.

...../Appendix

APPENDIX

1. PETITIONS

- i) Petition to the Senate by teachers serving in Kajiado County on promotion of teachers in the county to leadership positions.

(The Speaker of the Senate)

- ii) Petition to the Senate by Rt. Rev. Dr. Emmanuel Chemengich concerning the illegal alienation of land belonging to Kitale Primary School by a private developer.

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

2. PAPERS

- i. Annual Report and Financial Statements of the Commission on Revenue Allocation for the year 2018/2019.
- ii. Report of the Auditor General on the Financial Statements of County Assembly of Tana River for the year ended 30th June, 2019;
- iii. Report of the Auditor General on the Financial Statements of County Executive of Tana River for the year ended 30th June, 2019;
- iv. Report of the Auditor General on the Financial Statements of County Assembly of Garissa for the year ended 30th June, 2019; and
- v. Report of the Auditor General on the Financial Statements of Garissa County Executive for the year ended 30th June, 2019

(The Senate Majority Leader)

3. NOTICES OF MOTION

i. 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.

ii. PARKING CHARGES IN PUBLIC INSTITUTIONS OFFERING ESSENTIAL SERVICES

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

THAT, 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;

...../Appendix

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.

4. STATEMENTS PURSUANT TO STANDING ORDER 48 (1)

- i) The Senator for Kakamega County, (Sen. Cleophas Malalah, MP) to seek a statement from the Standing Committee on Tourism, Trade and Industrialization concerning alleged multiple tax payment by lorries and trucks transporting building materials across counties in Kenya.
- ii) Nominated Senator, (Sen. (Dr.) Gertrude Musuruve, MP) to seek a statement from the Standing Committee on Education on the return to school of learners who were forced out of school as a result of the COVID-19 pandemic.
- iii) The Senator for Taita Taveta County, (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Roads and Transportation regarding upgrading of the Loitoktok- Njukini-Taveta road to bitumen standard.
- iv) Nominated Senator, (Sen. (Dr) Isaac Mwaura, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding National Government interventions to cushion persons with developmental disabilities, in line with the Big Four Agenda on Universal Health Coverage (UHC).

...../Appendix

- v) The Senator for Bomet County, (Sen. (Dr.) Christopher Lang'at, MP) to seek a statement from the Standing Committee on Health regarding medical negligence at health facilities in Bomet County.
- vi) Nominated Senator, (Sen. Victor Prengei, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the ban on planting of maize in Nessuit, Njoro Sub-County, Nakuru County by the Ministry of Interior and Coordination of National Government.
- vii) Nominated Senator, (Sen. (Dr) Isaac Mwaura, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the implementation of the guidelines of the Ministry of Public Service, Youth and Gender Affairs on retirement age of public servants with disabilities.
- viii) The Senator for Kitui County, (Sen. Enock Wambua, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding payment of a one-off honorarium and monthly pension to former Councillors under the defunct Local Authorities.

---**xxx**---