



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

THURSDAY, JULY 08, 2021 AT 2.30 P.M.

PRAYER

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. ***THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 34 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 6th July, 2021)

(Division)

9. ***THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)**
(Sen. (Dr.) Alice Milgo, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 7th July, 2021)

10. ****THE COFFEE BILL (SENATE BILLS NO. 22 OF 2020)**
(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

(Second Reading)

11. ***THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 26 OF 2020)**

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

(Second Reading)

12. ***THE BASIC EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2021)**

(Sen. Beatrice Kwamboka, MP)

(Second Reading)

13. ***THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILLS NO. 32 OF 2020)**

(Sen. Mercy Chebeni, MP)

(Second Reading)

14. ****THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)**

(Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

15. **COMMITTEE OF THE WHOLE**

***THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)**

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

16. **COMMITTEE OF THE WHOLE**

***THE COOPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**

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

17. **COMMITTEE OF THE WHOLE**

***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)**

(Sen. Johnes Mwaruma, MP)

18. ***THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2020)**

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

(Second Reading)

19. ***THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILLS NO. 36 OF 2020)**

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

(Second Reading)

...../Motions

20. **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**

(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.

21. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE ALLEGED NEGLIGENCE BY THE KENYATTA NATIONAL HOSPITAL IN THE MEDICAL CASE OF THE LATE (PROF.) KEN WALIBORA, PRIOR TO HIS DEATH**

(Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on the alleged negligence by the Kenyatta National Hospital in the medical case of the late (Prof.) Ken Walibora, prior to his death, laid on the Table of the Senate on Tuesday, 30th March, 2021.

22. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON INQUIRY INTO ALLEGATIONS OF IRREGULARITIES BY THE KENYA MEDICAL SUPPLIES AUTHORITY IN PROCUREMENT OF PHARMACEUTICAL EQUIPMENT**

(Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into allegations regarding irregularities in the procurement of various pharmaceutical equipment and products by the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Tuesday, 30th March, 2021.

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

(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. **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**

(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.

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...../Key

KEY

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

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

**** - Denotes a Committee Bill**

***- Denotes any other Bill**

NOTICE OF AMENDMENTS

THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)

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

NOTICE is given that the Chairperson, Standing Committee on Health, intends to move the following amendments to the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020) at the Committee Stage —

CLAUSE 5

THAT clause 5 of the Bill be amended in the proposed new section 2E (5) by—

(a) deleting paragraph (e) and substituting therefore the following new paragraph—

(e) is removed by the county executive committee member for being unable to perform the functions of the office by reason of mental or physical infirmity.

(b) inserting the following new subclause immediately after subclause (5) (5A) Before the removal of a member under subsection (5)(e), the county executive committee member shall request the Council to—

(a) investigate the circumstances giving rise to the proposed removal; and

(b) make recommendations on whether or not the member should be removed from office.

CLAUSE 8

THAT clause 8 of the Bill be amended by deleting the proposed new section 4B and substituting therefor the following new section—

Removal of member of Board from office. **4B.** (1) A member of the Board may be removed from member of office for —

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or negligence of duty; or
- (d) any other ground that would justify removal from office under any written law.

(2) Before the removal of a member of the Board under subsection (1)(a), the Cabinet Secretary shall request the Board to—

- (a) investigate the circumstances giving rise to the proposed removal; and
- (b) make recommendations on whether or not the member should be removed from office.

CLAUSE 15

THAT clause 15 of the Bill be amended -

- (a) in the proposed new section 9D by inserting the following new paragraph immediately after paragraph (e)—
 - (ea) the number of mental health patients admitted on an emergency basis that the mental health facility or unit has discharged, are still under its care or have died in the course of treatment;
- (b) in the proposed new section 9F(2) by inserting the words “side effects” immediately after the words “likely duration” in paragraph (b).

CLAUSE 32

THAT clause 32 of the Bill be amended in the proposed new section 20A(2) by inserting the following new paragraph immediately after paragraph (b) —

- (ba) a supporter of the person with mental illness;

CLAUSE 33

THAT clause 33 of the Bill be amended in the proposed new section 21 by inserting the words “A person” immediately before the word “with mental illness” in subsection (2).

CLAUSE 38

THAT clause 38 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) subsection (1) and substituting therefor the following new subsection—
 - (1) The person in charge or a mental health practitioner in charge of any patient shall enable communication by the patient through letters, telephone calls and emails to the recipients where practicable.

CLAUSE 50

THAT the Bill be amended by deleting clause 50 and substituting therefor the following new clause—

- Amendment of section 54 of Cap. 248.
- 50.** The Principal Act is amended by deleting section 54 and substituting therefor the following section—
- Regulations. **54.** The Cabinet Secretary shall, in consultation with the Board and the Council of County Governors, make regulations—
- (a) prescribing the form of the supportive decision making agreement;
 - (b) generally regulating the equipping, administration, control and management of mental health units;
 - (c) for the care, treatment and rehabilitation of person with mental illness;
 - (d) prescribing the procedure of admission of out-patient patients; and
 - (e) for the better carrying out of the provisions of this Act.

THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL
(SENATE BILLS NO. 30 OF 2020)

(Sen. Johnes Mwaruma, MP)

NOTICE is given that Sen. Paul Mwangi Githiomi, the Chairperson to the Standing Committee on Land, Environment and Natural Resources, intends to move the following amendment to the Wildlife Conservation and Management (Amendment) Bill, Senate Bills No. 30 of 2020, at the Committee Stage—

CLAUSE 3

THAT the Bill be amended by deleting clause 3 and substituting therefor the following new clause—

Amendment
of section
23 of No. 47
of 2013.

3. Section 23 of the principal Act is amended —

(a) in subsection (2) by inserting the words “and one of whom shall be nominated by the council of county governors” immediately after the words “wildlife conservancy body” appearing in paragraph (e); and

(b) in subsection (4) by inserting the following new paragraph immediately after paragraph (f)—

(fa) provide support to local communities negatively affected by activities undertaken with respect to wildlife conservation and management;

APPENDIX

1. PETITION

Petition to the Senate by Mr. Wilson Amge Arap Langat, a resident of Baringo County on corruption, land historical injustices, abuse of human rights, fraudulent use of office for personal gain and oppression of individual rights.

(Speaker of the Senate)

2. PAPERS

- i.) The Report of the Standing Committee on Health on the stalemate between the Government of Kenya and the United States Agency for International Development (USAID) on HIV/AIDS commodities; and
- ii.) The Report of the Standing Committee on Health on the Mental Health (Amendment) Bill, Senate Bills No. 28 of 2020.

(Chairperson, Standing Committee on Health)

3. STATEMENTS

a) Pursuant to Standing Order 47 (1)

- i) The Senator for Vihiga County (Sen. George Khaniri, MP), to make a statement regarding exports of raw bananas and broccoli to South Korea; and
- ii) Nominated Senator (Sen. (Arch.) Sylvia Kasanga, MP), to make a statement regarding the activities of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) for 2020.

b) Pursuant to Standing Order 48 (1)

- i) The Senator for Lamu County (Sen. Anuar Loitiptip, MP), to seek a statement from the Standing Committee on National Security, Defence and Foreign relations regarding the maritime border dispute in the Indian Ocean between Kenya and Somalia;
- ii) The Senator for Murang'a County (Sen. Irungu Kang'ata, MP), to seek a statement from the Standing Committee on Health regarding the cancellation of tender for the supply, delivery, installation and commissioning of enterprise resource planning (ERP) and claims management system;

...../Appendix

- iii) The Senator for Murang'a County (Sen. Irungu Kang'ata, MP), to seek a statement from the Standing Committee on Finance and Budget regarding the use of the Kenya Ports Authority (KPA) as collateral to M/S China Exim Bank in the financing of the Standard Gauge Railway (SGR);
- iv) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP), to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding suspension of flights between Kenya and Somalia;
- v) The Senator for Mombasa County (Sen. Mohamed Faki, MP), to seek a statement from the Standing Committee on Roads and Transportation regarding alleged suspension of ferry services to pedestrians in Mombasa County.
- vi) Seneta wa Kaunti ya Mombasa (Sen. Mwinyihaji Mohamed Faki, MP), kuomba kauli kutoka kwa Kamati ya Habari, Mawasiliano na Teknolojia kuhusu kucheleweshwa kwa ulipaji wa mishahara ya wafanyikazi wa Shirika la Posta nchini;
- vii) The Senator for Bungoma County (Sen. Moses Wetang'ula, MP), to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged mysterious disappearances and killings in Kenya;
- viii) The Senator for Mombasa County (Sen. Mwinyihaji Mohamed Faki, MP), to seek a statement from the Standing Committee on Trade, Tourism and Industrialization regarding the status of the Mama Ngina Waterfront in Mombasa County;
- ix) Nominated Senator (Sen. Petronila Were Lokorio, MP), to seek a statement from the Standing Committee on Health regarding the alleged change of ownership status of the General Kago Funeral Home in Kiambu County;
- x) Nominated Senator (Sen. Beatrice Kwamboka Makori, MP), to seek a statement from the Standing Committee on Health regarding the status of treatment equipment and facilities at the Mbagathi Referral Hospital;
- xi) Nominated Senator (Sen. Millicent Omanga, MP), to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the alleged illegal payment of legal fees to outsourced law firms by the Nairobi City County; and

- xii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP), to seek a statement from the Standing Committee on Education regarding the delay in construction and relocation of Voi Girls' Secondary School in Voi, Taita Taveta County.

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

The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to make a Statement on the state of Mumias Sugar Company Limited and its impending takeover/resuscitation.

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

- i) The Chairperson, Standing Committee on Health to make a statement relating to the activities of the Committee.
- ii) The Chairperson, Standing Committee on Labour and Social Welfare 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.

e) 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, 13th July, 2021.

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