



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

THURSDAY, JULY 22, 2021 AT 2.30P.M.

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
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 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 Tuesday, 13th July, 2021)
(Division)
10. **THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 13th July, 2021)
(Division)

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

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

(Second Reading)

(Resumption of debate interrupted on Tuesday, 13th July, 2021)

(Division)

12. ****THE COFFEE BILL (SENATE BILLS NO. 22 OF 2020)**

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

(Second Reading)

(Resumption of debate interrupted on Wednesday, 21st July, 2021)

(Division)

13. **COMMITTEE OF THE WHOLE**

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

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

14. **COMMITTEE OF THE WHOLE**

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

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

15. **COMMITTEE OF THE WHOLE**

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

(Sen. Johnes Mwaruma, MP)

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

(Sen. Beatrice Kwamboka, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 21st July, 2021)

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

(Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

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

(Sen. Mercy Chebeni, MP)

(Second Reading)

19. ****THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 7 OF 2021)**

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

(Second Reading)

20. ***THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**

(Sen. Kipchumba Murkomen, MP)

(Second Reading)

21. ***THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)**

(Sen. Abshiro Halake, MP)

(Second Reading)

22. ***THE START-UP BILL (SENATE BILLS NO. 1 OF 2021)**

(Sen. Johnson Sakaja, MP)

(Second Reading)

23. ***THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 13 OF 2021)**

(Sen. Petronila Were Lokorio, MP)

(Second Reading)

24. ***THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**

(Sen. Mutula Kilonzo Jr, MP and Sen. Johnson Sakaja, MP)

(Second Reading)

25. ***THE PROMPT PAYMENT BILL (SENATE BILLS NO. 16 OF 2021)**

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

(Second Reading)

26. **MOTION - 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;

...../Motions

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.

27. **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.

28. **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;

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

NOTICE

1. **THAT**, pursuant to Standing Order 251A and 251B, the sitting will be a hybrid sitting consisting of Senators who are physically present in the Senate Chamber and Senators participating virtually from a remote location through **Zoom** online meeting platform, as per guidelines issued by the Speaker pursuant to Standing Order 251A(4).
2. The Senate resolved on 10th February, 2021, 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. –

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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 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 the Chairperson, 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. PAPER

Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Coffee Bill (Senate Bills No. 22 of 2020)

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

2. NOTICE OF MOTION- PROMOTION OF MENTAL HEALTH FACILITIES FOR MOTHERS

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

THAT, AWARE THAT according to the World Health Organization, globally 10% of pregnant women and 13% of women who have just given birth experience a mental condition, referred to as perinatal depression, which is higher in developing countries with 15.6% during pregnancy, and 19.8% after child birth;

FURTHER AWARE that women who go through still birth and those that lose their children during delivery are taken to the general maternity ward where other mothers with healthy babies are recovering, causing them mental anguish and adversely impacting their mental health;

NOTING THAT integrating mental health care into primary healthcare settings requires training in psychiatric care and providing consulting support to primary care providers, considering that there are not enough mental health care providers to meet the current and growing need for mental health services;

APPRECIATING THAT the Health Act under section 6 (1) (b) provides that every person has a right to reproductive health care which includes the right of access to appropriate health care services that will enable mothers go safely through pregnancy, childbirth, and the postpartum period which should include the integration of mental health in perinatal care as recommended by the National Mental Health Taskforce in its “Mental Health and Wellbeing towards Happiness and National Prosperity” report;

NOW THEREFORE, the Senate urges the Ministry of Health in collaboration with the Council of Governors to:

1. ensure that all county maternal health facilities allocate a separate ward for recovery for the mothers who have gone through still birth or those that have lost their babies during delivery;
2. facilitate continuous mental health training and the provision of counseling support in the perinatal wards for all primary care providers in all counties; and,

3. establish counseling facilities at all county health facilities providing counseling therapy to mothers who lose their children through a miscarriage, during delivery, or through still birth.

3. STATEMENTS

a) Pursuant to Standing Order 48 (1)

- i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Health concerning the approval process and importation procedure for Covid-19 vaccines into Kenya.
- ii) The Senator for Trans-Nzoia County (Sen. (Dr) Michael Mbiti, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the state of mental health amongst officers in the disciplined forces.
- iii) Nominated Senator (Sen. Halake Abshiro, MP) to seek a statement from the Standing Committee on Information and Technology on the Loon Balloon solar powered internet access project in Kenya.

b) 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, 27th July, 2021.

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