



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**THE SENATE**

**ORDER PAPER**

**THURSDAY, SEPTEMBER 16, 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. **MOTION- APPROVAL OF SEN. JOHN KINYUA NDERITU, MP, TO SERVE IN THE SPEAKER'S PANEL AND PRESIDE OVER THE SENATE IN THE ABSENCE OF THE SPEAKER AND DEPUTY SPEAKER**  
(The Senate Majority Leader)

**THAT**, pursuant to Standing Order 17, the Senate approves the nomination of Sen. John Kinyua Nderitu, MP, as a Member of the Speaker's Panel; and further, to be elected to preside over the Senate in the absence of the Speaker and the Deputy Speaker, pursuant to Article 107(1)(c) of the Constitution and Standing Order 15 of the Senate.

9. **MOTION – APPROVAL OF SENATORS TO SERVE IN THE COMMITTEE OF POWERS AND PRIVILEGES**  
(The Senate Majority Leader)

**THAT, NOTWITHSTANDING** the resolution of the Senate made on 14<sup>th</sup> February, 2018, and 24<sup>th</sup> June, 2020, on the approval of Senators to serve in the Committee of Powers and Privileges, and pursuant to Section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Order 189, the Senate approves the following Senators nominated to serve in the Committee of Powers and Privileges –

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- 1. Sen. (Canon) Naomi Waqo, MP to replace Sen. (Dr.) Alice Milgo, MP;
- 2. Sen. Christine Zawadi Gona, MP to replace Sen. Kipchumba Murkomen, EGH, MP; and
- 3. Sen. Haji Abdul Mohammed, MP to replace Sen. Kimani Wamatangi, MP.

10. **MOTION – APPROVAL OF SEN. (PROF.) SAMSON ONGERI, EGH, MP TO SERVE IN THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION**

(The Senate Majority Leader)

**THAT, NOTWITHSTANDING**, the resolution of the Senate made on 30<sup>th</sup> March, 2021 on the approval of Senators to serve in the Sessional Committee on Delegated Legislation, and pursuant to Standing Orders 189 and 219, the Senate approves the nomination of Sen. (Prof.) Samson Ongeri, EGH, MP to replace Sen. Erick Okong’o Mogeni, SC, MP as a Member of the Sessional Committee on Delegated Legislation.

11. **MOTION – RECONSTITUTION OF STANDING COMMITTEES**

(The Senate Majority Leader)

**THAT, NOTWITHSTANDING**, the resolutions of the Senate made on 14<sup>th</sup> December, 2017; 14<sup>th</sup> February, 2018; 21<sup>st</sup> February, 2018; 21<sup>st</sup> November, 2018; 20<sup>th</sup> March, 2019; 19<sup>th</sup> June, 2019; 28<sup>th</sup> April, 2020; and 24<sup>th</sup> June, 2020 on the approval of Senators to serve in various Standing Committees of the Senate, and pursuant to Standing Orders 189, 218, and the Second Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows –

**(i) Committee on Agriculture, Livestock and Fisheries**

- 1. Sen. (Prof.) Margaret Kamar, EGH, MP to replace Sen. (Eng.) Ephraim Mwangi Maina, MP;
- 2. Sen. Haji Abdul Mohammed, MP to replace Sen. (Dr.) Mbito Michael Maling’ a, MP;
- 3. Sen. (Dr.) Gertrude Musuruve Inimah, MP to replace Sen. Boy Issa Juma, MP; and
- 4. Sen. Agnes Kavindu Muthama, MP to serve as a Member.

**(ii) Committee on Devolution and Intergovernmental Relations**

- 1. Sen. Njeru Ndwiga, EGH, MP to replace Sen. Aaron Cheruiyot, MP.
- 2. Sen. Samson Cherarkey, MP to serve as a Member;
- 3. Sen. Irungu Kang’ata, MP to serve as a Member; and
- 4. Sen. Agnes Kavindu, MP to serve as a Member.

**(iii) Committee on Education**

1. Sen. Naomi Shiyonga Masitsa, MP to replace Sen. (Dr.) Gertrude Musuruve Inimah, MP; and
2. Sen. Boy Issa Juma, MP to replace Sen. (Prof.) Imana Malachi Charles Ekal, MP.

**(iv) Committee on Energy**

1. Sen. Susan Kihika, MP to replace Sen. Abshiro Halake, MP;
2. Sen. Kipchumba Murkomen, EGH, MP to replace Sen. John Kinyua Nderitu, MP; and
3. Sen. Haji Abdul Mohammed, MP, to serve as a Member.
4. Sen. Moses Wetangula, EGH, MP to replace Sen. (Prof.) Imana Malachy Ekal, MP

**(v) Committee on Finance and Budget**

Sen. (Prof.) Samson Ongeri, EGH, MP to replace Sen. (Dr.) Ochillo Ayacko, EGH, MP.

**(vi) Committee on Information, Communication and Technology**

1. Sen. Samuel Poghisi, EGH, MP to replace Sen. Gideon Moi, CBS, MP;
2. Sen. (Eng.) Mahamud, Mohamed Maalim, CBS, MP to replace Sen. Susan Kihika, MP;
3. Sen. Moses Kajwang', MP to replace Sen. Petronilla Were Lokorio, MP; and
4. Sen. (Dr.) Gertrude Musuruve Inimah, MP to replace Sen. Mercy Chebeni, MP.

**(vii) Committee on Justice, Legal Affairs and Human Rights**

Sen. (Eng.) Ephraim Maina, EBS, MP to serve as a Member.

**(viii) Committee on Labour and Social Welfare**

1. Sen. Ledama Olekina, MP to replace Sen. Johnes Mwaruma, MP; and
2. Sen. Philip Salau Mpaayei, MP to replace Sen. Paul Mwangi Githiomi, MP.

**(ix) Committee on Land, Environment and Natural Resources**

Sen. (Dr.) Alice Milgo, MP to replace Sen. Ndwiga Peter Njeru, MP; and further that Sen. Gideon Moi, CBS, MP ceases being a Member of the Committee.

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**(x) Committee on National Cohesion, Equal Opportunity and Regional Integration**

1. Sen. Abshiro Halake, MP to replace Sen. (Dr.) Christopher Andrew Lang'at, MP; and
2. Sen. (Dr.) Ochillo Ayacko, EGH, MP to replace Sen. (Dr.) Gertrude Musuruve Inimah, MP.

**(xi) Committee on National Security, Defence and Foreign Relations**

1. Sen. Gideon Moi, CBS, MP to replace Sen. (Eng.) Mahamud, Mohamed Maalim, CBS, MP; and
2. Sen. Paul Mwangi Githiomi, MP to serve as a Member.

**(xii) Committee on Tourism, Trade and Industrialization**

1. Sen. Aaron Cheruiyot, MP to replace Sen. Philip Mpaayei, MP;
2. Sen. (Prof.) Imana Malachy Charles Ekal, MP to replace Sen. (Dr.) Agnes Zani, CBS MP; and
3. Sen. Petronilla Were Lokorio, MP, to replace Sen. Mercy Chebeni, MP.

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

(Sen. Abshiro Halake, MP)

*(Second Reading)****(Resumption of debate interrupted on Wednesday, 4<sup>th</sup> August, 2021)*****13. \*\*\*THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)**

(The Senate Majority Leader)

*(Second Reading)***14. \*THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**

(Sen. Kipchumba Murkomen, MP)

*(Second Reading)***15. \*THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**

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

*(Second Reading)***16. \*THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 26 OF 2020)**

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

*(Second Reading)*

17. **COMMITTEE OF THE WHOLE****\*THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)**

(Sen. (Dr.) Alice Milgo, MP)

18. **COMMITTEE OF THE WHOLE****\*THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 13 OF 2021)**

(Sen. Petronila Were Lokorio, MP)

19. **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;

**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.

***(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> September, 2021)***

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20. **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.

21. **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;

...../**Motions**

**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.

22. **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**

(The 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, 25<sup>th</sup> May, 2021.

23. **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**

(The 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, 24<sup>th</sup> September, 2020.

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**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 10<sup>th</sup> 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**



**THE INVESTMENT PROMOTION (AMENDMENT) BILL, SENATE BILLS NO. 8 OF 2020**

(Sen. (Dr.) Alice Milgo, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Trade, Tourism and Industrialization intends to move the following amendments to the Investment Promotion (Amendment) Bill, Senate Bills No. 8 of 2020, at the Committee Stage-

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended in the proposed new section 16 by deleting paragraph (g) and substituting therefor the following new paragraph-

- (g) three members, who shall include a person with disability and at least one person of the opposite gender, nominated by the Council of County Governors appointed by the Cabinet Secretary.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended in the proposed new section 17 by deleting the word “four” appearing immediately after the words “for a term of” and substituting therefor the word “three”.

**CLAUSE 16**

**THAT** clause 16 of the Bill be amended-

- (a) in the proposed new section 26C by deleting the word “county” appearing immediately after the words “by notice in the” in subsection (1);
- (b) in the proposed new section 26D –
  - (i) by inserting the words “through public participation in accordance with section 91 of the County Governments Act” immediately after the words “ community approval” in paragraph (a); and
  - (ii) by inserting the words “and identify and address barriers that hinder investment” immediately after the words “in the county” in paragraph (b).

**APPENDIX**

**1. PETITIONS**

- i.) Petition to the Senate by Kenya Water and Sanitation Civil Society Network to expunge offending provisions in the Water Services Regulations, 2021 and the Water Resources Regulations, 2021.

*(The Speaker of the Senate)*

- ii.) Petition to the Senate by Mr. Daniel Matendechere, a resident of Kakamega County, concerning unfair dismissal and lack of compensation by Broadways Bakery Limited.

*(Sen. (Dr.) Getrude Musuruwe, MP)*

**2. PAPER**

Report of the Standing Committee on Health on the Third Progress Report on the COVID-19 pandemic situation.

*(The Chairperson, Standing Committee on Health)*

**3. STATEMENTS**

**i.) Pursuant to Standing Order 48 (1)**

- a) The Senator for Bomet County (Sen. (Dr.) Christopher A. Langat, MP) to seek a statement from the Standing Committee on Health regarding the decision by the National Hospital Insurance Fund (NHIF) to deny cover to COVID-19 patients admitted in non-designated health facilities.
- b) Nominated Senator (Sen. Millicent Omanga, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged shooting and subsequent death of Mr. Alex Macharia, a trader at Kahawa West, Nairobi County, by the police.
- c) The Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the unfair treatment of members of the Samburu community living in Laikipia and malicious of their livestock by security forces in the ongoing security operation.

**ii.) 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 21<sup>st</sup> September, 2021.

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