



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

TUESDAY, SEPTEMBER 07, 2021 AT 2.30 P.M.

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
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 SPORTS (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2021)**
(Sen. Aaron Cheruiyot, MP)

(First Reading)

9. ***THE ELECTION (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2021)**
(Sen. KipchumbaMurkomen, MP)

(First Reading)

10. ***THE ELECTION (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 43 OF 2021)**
(Sen. LedamaOlekina, MP)

(First Reading)

...../Bills

11. MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2021/2022 AND APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2021/2022

(Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement Schedule for Financial year 2021/2022, laid on the Table of the Senate on Tuesday, 7th September, 2021, and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate approves the County Governments Cash Disbursement Schedule for Financial Year 2021/2022.

12. *THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)
(Sen. AbshiroHalake, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 4th August, 2021)

13. **THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO. 35 OF 2021)

(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

14. *THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)**

(The Senate Majority Leader)

(Second Reading)

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

(Sen. KipchumbaMurkomen, MP)

(Second Reading)

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

(Sen. MutulaKilonzoJr, MP and Sen. Sakaja Johnson, MP)

(Second Reading)

17. *THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 5 OF 2021)

(Sen. (Dr.) GetrudeMusuruve, MP and Sen. (Prof.) Margaret Kamar, MP)

(Second Reading)

...../Bills

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

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

(Second Reading)

19. COMMITTEE OF THE WHOLE

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

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

20. COMMITTEE OF THE WHOLE

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

(Sen. Mercy Chebeni, MP)

21. COMMITTEE OF THE WHOLE

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

(The Chairperson, Standing Committee on Finance and Budget)

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

(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.

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

(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.

...../Bills

24. 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.

25. MOTION- INTEGRATING CLIMATE EDUCATION INTO SCHOOL CURRICULUM AT ALL LEVELS

(Sen. AbshiroHalake, MP)

THAT, AWARE THAT it is important that both the current and future generations are better equipped to address the problem of climate change andthis can be accomplished by using appropriate instructional strategies such as integrating climate education into the syllabus to assist students in improving their understanding of climate change and acquiring the essential skills to reduce its effects.

...../Motions

ACKNOWLEDING THAT education is crucial to promote climate action as it helps individuals understand and address the impacts of the climate crisis, empowering them with the knowledge, skills, values and attitudes needed to act as agents of change, hence protect the environment and take action by crafting community level solutions.

COGNIZANT OF THE FACT the Constitution of Kenya in Article 42 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of present and future generations.

FURTHER NOTING THAT climate change is a global nightmare with consequences that are already quite visible, and should be a priority for our education curriculum, in accordance to Article 12 of the Paris Agreement which espouses the enhancement of climate change education, training, public awareness, public participation and public access to information.

NOW THEREFORE, the Senate calls upon the Council of Governors in partnership with the Ministry of Education, Science and Technology to:-

1. integrate climate education in the school curriculum in all counties to equip all school going children; and
2. equip teachers and administrators with the necessary information and training skills to teach climate education in schools.

26. 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;

...../Motions

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

A. 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—

...../Amendments

- (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.

...../Amendments

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.	<p>50. The Principal Act is amended by deleting section 54 and substituting therefor the following section—</p> <p>54. The Cabinet Secretary shall, in consultation with the Board and the Council of County Governors, make regulations—</p>
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- (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.

...../Amendments

B. *THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILLS NO. 32 OF 2020)
 (Sen. Mercy Chebeni, MP)

NOTICE is given that the Chairperson, Standing Committee on Tourism, Trade and Industrialization, intends to move the following amendments to the County Licensing (Uniform Procedures) Bill (Senate Bills No. 32 of 2020) at the Committee Stage-

THAT clause 3 of the Bill be amended-

- (a) deleting paragraph (a) and substituting therefor the following new paragraph-
 - (a)the need to protect consumers of goods and services, ensure public safety and promote environmental protection;
- (b) in paragraph (b) by inserting the word “not” immediately after the words “manner that does”; and
- (c) in paragraph (c) by inserting the words “and in accordance with the provisions of the Access to Information Act” immediately after the words “and licensing procedures”.

CLAUSE 7

THAT clause 7 of the Bill be amended-

- (a) by deleting subclause (2) and substituting therefor the following new subclause-
 - (2) A licensing authority shall, within three years of the commencement of this Act, put in place mechanisms to enable the electronic application for, renewal, transfer or replacement of a licence or a variation of a condition for the issuance of a licence.

CLAUSE 15

THAT clause 15 of the Bill be amended in subclause (1) by inserting the words “in writing” immediately after the words “shall inform”.

CLAUSE 19

THAT clause 19 of the Bill be amended in subclause (2) by inserting the words “and through such other media as the authority shall consider appropriate” immediately after the words “nationwide circulation”.

...../Amendments

CLAUSE 22

THAT clause 22 of the Bill be amended by deleting paragraph (b).

CLAUSE 1

THAT the Bill be amended by deleting clause 1 and substituting therefor the following new clause-

Short title and commencement. **1.** This Act may be cited as the County Licensing (Uniform Procedures) Act, 2021 and shall come into operation upon the expiry of six months from the date of assent of this Act.

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

(The Chairperson, Standing Committee on Finance and Budget)

NOTICE is given that Sen. Charles Kibiru, Chairperson, Standing Committee on Finance and Budget intends to move the following amendment to the Salaries and Remuneration (Amendment) Bill, Senate Bills No. 31 of 2020, at the Committee Stage-

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the word “twenty-eight” appearing immediately after the word “within” and substituting therefor the word “fourteen”.

...../Appendix

APPENDIX

1. MESSAGES

- i) Message from the National Assembly on the passage, by the National Assembly, of the National Library Service Bill (National Assembly Bills No. 5 of 2020).
- ii) Message from the National Assembly on the passage, by the National Assembly, of the Parliamentary Pensions (Amendment) (No. 3) Bill (National Assembly Bills No. 57 of 2019).

(The Speaker of the Senate)

2. PETITION

Petition to the Senate by former KimondiForest evictees concerning their resettlement status.

(Sen. George Khaniri, MP)

3. PAPERS

- i) Report of the Auditor-General on the financial statements of Mathira Water and Sanitation Company Limited for the year ended 30th June, 2019.
- ii) Report of the Auditor-General on the financial statements of Karuri Water and Sanitation Company Limited for the year ended 30th June, 2019.
- iii) Report of the Auditor-General on the financial statements of Ruiru-Juja Water and Sewerage Company Limited for the year ended 30th June, 2019.
- iv) Report of the Auditor-General on the financial statements of Murang'a South Water and Sanitation Company Limited for the year ended 30th June, 2019.
- v) Report of the Auditor-General on the financial statements of OthayaMukurweini Water Services Company Limited for the year ended 30th June, 2019.
- vi) The Public Finance Management (Equalization Fund Administration) Regulations, 2021.

(The Senate Majority Leader)

- vii) Report of the Standing Committee on Finance and Budget on the County Governments Grants Bill (Senate Bills No. 35 of 2021).
- viii) Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for the Financial Year 2021/2022.

(Chairperson, Standing Committee on Finance and Budget)

...../Appendix

4. NOTICE OF MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2021/2022 AND APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2021/2022

(Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement Schedule for Financial year 2021/2022,laid on the Table of the Senate on Tuesday, 7th September, 2021, and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate approves the County Governments Cash Disbursement Schedule for Financial Year 2021/2022.

5. STATEMENTS PURSUANT TO STANDING ORDER 48 (1)

- i) The Senator for Kericho County (Sen. Aaron Cheruiyot, MP) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights concerning recruitment process of Commissioners for the Kenya National Commission on Human Rights (KNCHR).
- ii) Nominated Senator (Sen. (Arch.) Sylvia Kasanga, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the alleged abusive treatment of Persons Living with Disability (PWDs) by human traffickers.
- iii) The Senator for Murang'a County (Sen. Irungu Kang'ata, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the ongoing free trade agreement negotiations between Kenya and the United States of America (USA).
- iv) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Energy regarding malpractices by players in the energy sector including suppliers of Liquefied Petroleum Gas (LPG).
- v) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Tourism, Trade and Industrialization regarding the financial status of Harambee Sacco.

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