



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

ORDER PAPER

WEDNESDAY, OCTOBER 06, 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
8. **MOTION – ADOPTION OF REPORT OF THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION ON THE PUBLIC FINANCE MANAGEMENT (EQUALIZATION FUND ADMINISTRATION) REGULATIONS, 2021 AND APPROVAL OF THE PUBLIC FINANCE MANAGEMENT (EQUALIZATION FUND ADMINISTRATION) REGULATIONS, 2021**
(The Chairperson, Sessional Committee on Delegated Legislation)

THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the Public Finance Management (Equalization Fund Administration) Regulations, 2021, Legal Notice No. 54 of 2021, laid on the Table of the Senate on Tuesday, 28th September, 2021; and pursuant to Section 205 (4) of the Public Finance Management Act, **approves** the Public Finance Management (Equalization Fund Administration) Regulations, 2021, Legal Notice No. 54 of 2021.

***(Resumption of debate interrupted on Wednesday, 29th September, 2021)
(Division)***

9. ***THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**
(Sen. Mutula Kilonzo Jr, MP and Sen. Sakaja Johnson, MP)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 29th September, 2021)
(Division)***

...../Bills

10. ***THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2021)**
(Sen. (Dr.) Irungu Kang'ata, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 30th September, 2021)
(Division)
11. ***THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)**
(Sen. Abshiro Halake, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 5th October, 2021)
(Division)
12. *****THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)**
(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 5th October, 2021)
(Division)
13. ***THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 26 OF 2020)**
(Sen. (Dr.) Abdullahi Ali, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 5th October, 2021)
14. ***THE COUNTY BOUNDARIES BILL, (SENATE BILLS NO. 20 OF 2021)**
(Sen. Mutula Kilonzo Jr, MP)

(Second Reading)
15. ***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**
(Sen. Ledama Olekina, MP)

(Second Reading)
16. ***THE HERITAGE AND MUSEUM BILL (SENATE BILLS NO. 22 OF 2021)**
(Sen. (Dr.) Alice Milgo, MP)

(Second Reading)
17. **COMMITTEE OF THE WHOLE**
***THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 13 OF 2021)**
(Sen. Petronila Were Lokorio, MP)

18. **COMMITTEE OF THE WHOLE**

***THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)**

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

19. ***COMMITTEE OF THE WHOLE**

THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)

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

20. **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, 14th September, 2021)

...../Motion

21. **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.

22. **MOTION - ADOPTION OF THE THIRD PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 SITUATION IN KENYA AND PRELIMINARY FINDINGS ON THE NATIONWIDE COVID-19 VACCINE ROLL OUT**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Third Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings on the nationwide COVID-19 vaccine roll out, laid on the Table of the Senate on Tuesday, 21st September, 2021.

...../Motion

23. **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, 25th May, 2021.

24. **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, 24th 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 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 INVESTMENT PROMOTION (AMENDMENT) BILL, (SENATE BILLS NO. 2 OF 2021)

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

NOTICE is given that the Chairperson, Committee on Trade, Tourism and Industrialization intends to move the following amendments to the Investment Promotion (Amendment) Bill (Senate Bills No. 2 of 2021), 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 and 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 by –

- (i) renumbering the existing provision as sub clause (1);
- (ii) inserting the words “including identifying and addressing barriers that hinder investment” immediately after the words “in the county” in paragraph (b); and
- (iii) inserting the following new sub clause immediately after sub clause (1) -

(2) The Unit shall, in carrying out its functions under subsection (1), undertake public participation through the modalities and platforms set out under section 91 of the County Governments Act.

B. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)

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

NOTICE is given that the Chairperson, Standing Committee on Land, Environment and Natural Resources, intends to move the following amendments to the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 25 of 2020), at the Committee Stage—

CLAUSE 10

THAT clause 10 of the Bill be amended—

- (a) by inserting the following new sub clause immediately after sub clause (2)—

- (3A) The members of the County Benefit Sharing Committee elected under subsection (2)(d) shall serve for one single term of five years.

- (b) in sub clause (4) by deleting the expression “(2)(c)” appearing immediately after the words “elected under subsection” and substituting therefor the expression “(2)(d)”.

CLAUSE 12

THAT clause 12 of the Bill be amended in sub clause (2) by deleting the words “county and local community” appearing immediately after the word “Each”.

CLAUSE 13

THAT clause 13 of the Bill be amended—

- (a) in sub clause (1) by inserting the words “two of whom shall be of the opposite gender” immediately after the words “of five persons”; and
- (b) by deleting sub clause (6) and substituting therefor the following new sub clause—

- (6) The local community benefit sharing forum shall ensure that the respective local community benefits from the exploitation of natural resources and shall, for this purpose—

- (a) collect and collate the views of the local community and represent the interests of the local community in the negotiations with the respective County Benefit Sharing Committee and in the implementation of a Benefit Sharing Agreement;
- (b) in consultation with the local community, identify local community projects to be supported by money allocated to the local community by the County Benefit Sharing Committee under this Act; and

- (c) oversee the implementation of projects undertaken in the relevant local community using funds devolved under this Act.

CLAUSE 15

THAT clause 15 of the Bill be amended by deleting sub clause (2).

CLAUSE 2

THAT clause 2 of the Bill be amended in the definition of the word “benefit sharing agreement” by inserting the words “the exploitation of” appearing immediately after the words “revenue accruing from”.

APPENDIX**1. PETITION**

Report of the Standing Committee on National Security, Defence and Foreign Relations on a Petition to the Senate by the True North Society of Kenya, concerning enactment of a military veterans' law to address the needs of military veterans and their families.

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

2. PAPERS

i) Interim Report of the Committee on National Security, Defence and Foreign Relations on a fact finding mission to Laikipia County, concerning the incessant banditry attacks in the County.

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

ii) Annual Report of the Public Service Commission for the Financial Year 2020/2021.

iii) Report of the National Treasury and Planning on All New Loans contracted by Government of Kenya from 1st April, 2021 to 31st August, 2021.

iv) Report of the Auditor General on the Financial Statements of Kiambu Water and Sewerage Company Limited for the Year ended 30th June, 2019.

v) Report of the Auditor General on the Financial Statements of Murang'a County Assembly Car and Mortgage Loan Scheme Fund for the Year ended 30th June, 2019.

vi) Report of the Auditor General on the Financial Statements of Murang'a Water and Sanitation Company Limited for the Year ended 30th June, 2019.

vii) Report of the Auditor General on the Financial Statements of Naromoru Water and Sanitation Company Limited for the Year ended 30th June, 2019.

viii) Report of the Auditor General on the Financial Statements of Homa Bay County Water and Sanitation Company Limited for the Year ended 30th June, 2019.

ix) Report of the Auditor General on the Financial Statements of Garissa Water and Sewerage Company Limited for the Year ended 30th June, 2019.

(The Senate Majority Leader)