



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

THURSDAY, OCTOBER 21, 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 (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. ***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)

9. ***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)

10. ***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)

...../Bills

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 5thOctober, 2021)

(Division)

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

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

(Second Reading)

(Resumption of debate interrupted on Tuesday, 12thOctober, 2021)

(Division)

13. ***THE COUNTY BOUNDARIES BILL, (SENATE BILLS NO. 20 OF 2021)**

(Sen. Mutula Kilonzo Jr, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 13thOctober, 2021)

(Division)

14. ***THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)**

(Sen.(CPA) Farhiya Ali Haji, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 14thOctober, 2021)

(Division)

15. **MOTION – RESCINDING THE RESOLUTION OF THE SENATE ON APPROVAL OF SENATORS TO SERVE IN THE COMMITTEE OF POWERS AND PRIVILEGES**

(The Senate Majority Leader)

THAT, pursuant to Standing Order 58(2)(a) the Senate rescinds its resolution made on Thursday, 16th September, 2021 on the approval of Senators to serve in the Committee of Powers and Privileges.

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

(The Senate Majority Leader)

THAT, NOTWITHSTANDING, the resolutions of the Senate made on 14th December, 2017; 14th February, 2018; 21st February, 2018; 21st November, 2018; 20th March, 2019; 19th June, 2019; 28th April, 2020; and 24th 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) Standing Committee on Energy

Sen. Haji Abdul Mohammed, MP to serve as a Member.

...../Appendix

(ii) Standing Committee on Justice, Legal Affairs and Human Rights

Sen. Isaac Ngugi Githua, MP to serve as a Member.

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

Sen. Gideon Moi, CBS, MP to serve as a Member.

17. MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE STATUS OF KENYA’S STOCK OF PUBLIC DEBT

(Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Status of Kenya’s Stock of Public Debt, laid on the Table of the Senate on Thursday, 14th October, 2021.

(Resumption of debate interrupted on Tuesday, 19th October, 2021)

18. *THE HERITAGE AND MUSEUM BILL (SENATE BILLS NO. 22 OF 2021)

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

(Second Reading)

(Resumption of debate interrupted on Thursday, 14th October, 2021)

19. COMMITTEE OF THE WHOLE

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

(Sen. Petronila Were Lokorio, MP)

20. COMMITTEE OF THE WHOLE

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

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

21. *COMMITTEE OF THE WHOLE

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

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

22. *THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)

(Sen. Ledama Olekina, MP)

(Second Reading)

23. **THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, (SENATE BILLS NO. 37 OF 2021)

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

(Second Reading)

24. ***THE ALTERNATIVE DISPUTE RESOLUTION BILL (SENATE BILLS NO. 34 OF 2021)**

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

(Second Reading)

25. **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

26. **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.

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

(The 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.

28. **MOTION - ADOPTION OF THE SECOND PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 SITUATION IN KENYA AND PRELIMINARY FINDINGS ON THE SPECIAL AUDIT REPORT ON THE UTILIZATION OF COVID - 19 FUNDS BY COUNTY GOVERNMENTS.**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Second Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings of the Committee, on the Special Audit Report on the Utilization of COVID-19 funds by County Governments, laid on the table of the Senate on Tuesday, 30th March, 2021.

...../Motion

29. **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, 21stSeptember, 2021.

30. **MOTION – ADJOURNMENT OF THE SENATE**

(The Senate Majority Leader)

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 2nd November, 2021.

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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. –

3. The Senate resolved on 10th February, 2021, as follows:-

THAT, notwithstanding the provisions of Standing Order 106 (1), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put; Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

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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.

...../Amendments

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**

Petition to the Senate by Residents of Migori County concerning continuous exclusion of Persons with Disabilities in the Migori County Budget.

(Sen. (Dr.) Ochilo Ayacko, MP)

2. PAPERS

- i) Report of the Auditor General on the Financial Statements of Kiambu County Youth, Women and People with Disability Enterprise Development Fund (Kiambu County Jijenge Fund) for the year ended 30th June, 2019.
- ii) Report of the Auditor General on the Financial Statements of the Kirinyaga County Education Bursary Fund for the year ended 30th June, 2019.
- iii) Report of the Auditor General on the Financial Statements of the Kirinyaga County Emergency Fund for the year ended 30th June, 2019.
- iv) Report of the Auditor General on the Financial Statements of Kwale County Disaster Management Fund for the year ended 30th June, 2019.

(The Senate Majority Leader)

3. NOTICE OF MOTION – APPOINTMENT OF SENATORS TO SERVE IN STANDING COMMITTEES

(The Senate Majority Whip)

THAT, NOTWITHSTANDING, the resolutions of the Senate made on 14th December, 2017; 14th February, 2018; 21st February, 2018; 21st November, 2018; 20th March, 2019; 19th June, 2019; 28th April, 2020; and 24th 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 –

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(ii) Standing Committee on Justice, Legal Affairs and Human Rights

Sen. Isaac Ngugi Githua, MP to serve as a Member.

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

Sen. Gideon Moi, CBS, MP to serve as a Member.

...../Appendix

4. STATEMENTS

a) Pursuant to Standing Order 48 (1)

- i) Nominated Senator (Sen. Petronila Were Lokorio, MP) to seek a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration concerning public appointments made by Mr. James Macharia to Parastatals and State Corporations during his tenure as the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works.
- ii) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the state of police stations in the Country.
- iii) Nominated Senator (Sen. Isaac Ngugi Githua, MP) to seek a statement from the Standing Committee on Labour and Social Welfare concerning youth and special groups Access to Government Procurement Opportunities (AGPO) Programme as provided for in Article 55 of the Constitution of Kenya and the Public Procurement and Asset Disposal Act, 2015.
- iv) Nominated Senator (Sen. Mary Seneta, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the status of operationalization of the Isinya Tannery in Kaputiei North Ward, Kajiado County.
- v) 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 concerning security of students of Masinde Muliro University of Science and Technology while in and around the University.

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, 2nd November, 2021.

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