



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

**WEDNESDAY, NOVEMBER 10, 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. **MOTION - ALTERATION OF THE SENATE CALENDAR FOR THE FIFTH SESSION**  
(The Senate Majority Leader)

**THAT**, notwithstanding the Resolutions of the Senate made on 16<sup>th</sup> February, 2021 (approval of the Senate Calendar), 24<sup>th</sup> March, 2021, 30<sup>th</sup> March, 2021 and 25<sup>th</sup> May, 2021, (alteration of the Senate Calendar); and pursuant to Standing Order 29(4), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fifth Session, 2021, in respect of Part VI, to adjourn the Senate on 18<sup>th</sup> November, 2021 and resume its regular sittings on Tuesday, 30<sup>th</sup> November, 2021, and that the Senate Calendar (Regular Sessions) for the Fifth Session be altered accordingly.

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

***(Resumption of debate interrupted on Tuesday, 2<sup>nd</sup> November, 2021)***  
***(Division)***

10. **\*THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**  
(Sen. Ledama Olekina, MP)  
*(Second Reading)*  
*(Resumption of debate interrupted on Tuesday, 2<sup>nd</sup> November, 2021)*  
*(Division)*
11. **\*\*THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, (SENATE BILLS NO. 37 OF 2021)**  
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)  
*(Second Reading)*  
*(Resumption of debate interrupted on Thursday, 4<sup>th</sup> November, 2021)*  
*(Division)*
12. **\*THE ALTERNATIVE DISPUTE RESOLUTION BILL (SENATE BILLS NO. 34 OF 2021)**  
(Sen. (Arch.) Sylvia Kasanga, MP)  
*(Second Reading)*
13. **\*THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**  
(Sen. Kipchumba Murkomen, MP)  
*(Second Reading)*
14. **\*THE COUNTY GOVERNMENTS (AMENDMENT) BILL, (SENATE BILLS NO. 38 OF 2021)**  
(Sen. Moses Kajwang', MP)  
*(Second Reading)*
15. **\*THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 19 OF 2021)**  
(Sen. Judith Pareno, MP)  
*(Second Reading)*
16. **\*COMMITTEE OF THE WHOLE THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)**  
(Sen. (Dr.) Agnes Zani, MP)
17. **COMMITTEE OF THE WHOLE \*THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**  
(Sen. (Dr.) Agnes Zani, MP)
18. **COMMITTEE OF THE WHOLE \*\*THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 6 OF 2021)**  
(The Chairperson, Standing Committee on Education)

...../Motion

19. **COMMITTEE OF THE WHOLE**

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

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

20. **COMMITTEE OF THE WHOLE**

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

(Sen. Sakaja Johnson, MP)

21. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON THE INQUIRY INTO EXTRAJUDICIAL KILLINGS AND ENFORCED DISAPPEARANCES IN KENYA**

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Right)

**THAT**, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Inquiry into Extrajudicial Killings and Enforced Disappearances in Kenya laid on the Table of the Senate on Tuesday, 19<sup>th</sup> October, 2021.

*(Resumption of debate interrupted on Tuesday, 9<sup>th</sup> November, 2021)*

22. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON A STATEMENT SOUGHT BY SEN. MUTULA KILONZO JR. MP, REGARDING DELAYS IN THE APPOINTMENT OF JUDGES OF THE HIGH COURT AND THE COURT OF APPEAL**

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Right)

**THAT**, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a statement sought by Sen. Mutula Kilonzo Jr. MP, regarding delays in the appointment of Judges of the High Court and the Court of Appeal laid on the Table of the Senate on Tuesday, 19<sup>th</sup> October, 2021.

23. **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;

...../Motion

**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)*

24. **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:-

...../Motion

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.

25. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON INQUIRY INTO ALLEGATIONS OF IRREGULARITIES BY THE KENYA MEDICAL SUPPLIES AUTHORITY IN PROCUREMENT OF PHARMACEUTICAL EQUIPMENT**

(The Chairperson, Standing Committee on Health)

**THAT**, the Senate adopts the Report of the Standing Committee on Health on inquiry into allegations regarding irregularities in the procurement of various pharmaceutical equipment and products by the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Tuesday, 30<sup>th</sup> March, 2021.

26. **MOTION - ADOPTION OF THE 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, 30<sup>th</sup> March, 2021.

27. **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, 30<sup>th</sup> March, 2021.

28. **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, 21<sup>st</sup> September, 2021.

**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**

**NOTICE OF AMENDMENTS**

**A. 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) over see 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”.



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

a) **NOTICE** is given that the Chairperson, Standing Committee on Finance and Budget, intends to move the following amendments to the Prompt Payment Bill, (Senate Bills No. 16 of 2021), at the Committee Stage-

**CLAUSE 3**

**THAT** the Bill be amended by deleting clause 3 and substituting therefor the following new clause-

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| Application of the Act. | <b>3.</b> This Act shall apply to payment due for all goods, works, and services procured by private entities, the national government, county governments and any other entity specified as a public entity under section 2 of the Public Procurement No. 33 of 2015. and Asset Disposal Act. |
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**CLAUSE 4**

**THAT** clause 4 of the Bill be amended-

(a) in subsection (2) by inserting the words “the full contract price and” immediately after the words “sections 5 and 6, pay”;

(b) in subsection (4)-

(i) by inserting the word “full” immediately after the word “the” appearing at the beginning of paragraph (a);

(ii) by inserting the word “full” immediately after the word “the” appearing at the beginning of paragraph (b); and

(iii) by inserting the word “full” immediately after the word “the” appearing at the beginning of paragraph (c).

b) **NOTICE** is given that Sen. (CPA) Farhiya Haji, MP intends to move the following amendment to the Prompt Payment Bill, Senate Bills No. 16 of 2021, at the Committee Stage-

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended by deleting subclause (2).

**C. THE STARTUP BILL (SENATE BILLS NO. 1 OF 2021)**

**NOTICE** is given that the Chairperson, Standing Committee on Trade, Tourism and Industrialization intends to move the following amendments to the Startup Bill (Senate Bills No. 1 of 2021), at the Committee Stage-

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended in sub clause (1)(b) by-

- (a) deleting the word “seven” appearing immediately after the words “not more than” in subparagraph (i) and substituting therefor the word “three”; and
- (b) deleting the word “ten” appearing immediately after the words “be up to” appearing in subparagraph (ii) and substituting therefor the word “five”.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended-

- (a) by deleting the definition of the word “startup incubator”;
- (b) in the definition of the word “startup” by deleting the word “an” appearing immediately after the words “startup includes” and substituting therefor the words “a technology-based”; and
- (c) by inserting the following new definition immediately after the definition of the word “startup”-

"startup incubator" means a company, partnership, non-governmental organization or limited liability partnership whose principal object is the support of the birth and development of start-ups, innovation and activities related to the transfer of technology, research, and development and innovation processes through the offer of dedicated physical spaces and services advice.

**APPENDIX**

**1. PETITIONS**

- i) Report of the Standing Committee on Devolution and Intergovernmental Relations on a Petition to the Senate by Mr. Nashon Ogana, concerning the boundary question between Kisumu, Siaya and Vihiga Counties around Maseno area.
- ii) Report of the Standing Committee on Devolution and Intergovernmental Relations on a Petition to the Senate by Residents of Wajir County concerning governance malpractices in Wajir County Government.

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

**2. PAPERS**

- i) Report of the Auditor General on Bungoma County Assembly Employee Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2019.
- ii) Report of the Auditor General on Laikipia County Assembly Members Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2019.
- iii) Report of the Auditor General on Gatamathi Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June 2019.

*(The Senate Majority Leader)*

- iv) Report of the Standing Committee on Tourism, Trade and Industrialization on the Start-up Bill (Senate Bills No. 1 of 2021).

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

**3. NOTICE OF MOTION - ALTERATION OF THE SENATE CALENDAR FOR THE FIFTH SESSION**

(The Senate Majority Leader)

**THAT**, notwithstanding the Resolutions of the Senate made on 16<sup>th</sup> February, 2021 (approval of the Senate Calendar), 24<sup>th</sup> March, 2021, 30<sup>th</sup> March, 2021 and 25<sup>th</sup> May, 2021, (alteration of the Senate Calendar); and pursuant to Standing Order 29(4), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fifth Session, 2021, in respect of Part VI, to adjourn the Senate on 18<sup>th</sup> November, 2021 and resume its regular sittings on Tuesday, 30<sup>th</sup> November, 2021, and that the Senate Calendar (Regular Sessions) for the Fifth Session be altered accordingly.

**4. STATEMENTS PURSUANT TO STANDING ORDER 48 (1)**

- i) 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.
- ii) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the status of an inquest into the murder of Ms. Agnes Wanjiru allegedly by a British army officer, in Nanyuki, Laikipia County, following her disappearance in March, 2012.
- iii) Nominated Senator (Sen. Millicent Omanga, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the alleged irregular ownership and use of land No. LR 336/64, originally land No. LR 336/12 in Babadogo, Nairobi City County.
- iv) Nominated Senator (Sen. (Dr) Getrude Musuruve, MP) to seek a statement from the Standing Committee on Energy regarding the status of provision of electricity connection in the counties.
- v) Nominated Senator (Sen. Naomi Shiyonga, MP) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the failure by the National Government to operationalize various Acts to ensure that counties and host communities benefit from the proceeds emanating from mining, energy and petroleum resources.
- vi) The Senator for Machakos County (Sen. Agnes Muthama, MP) to seek a statement from the Standing Committee on Finance and Budget regarding the implementation of the provisions of the Kenya Deposit Insurance Act, 2012.
- vii) The Senator for Kericho County (Sen. Aaron Cheruiyot, MP) to seek a statement from the Standing Committee on Lands, Environment and Natural Resources on the status of titling of Government Learning Institutions.
- viii) The Senator for Nandi County (Sen. Cherarkey Samson, MP) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding a public apology by the United Kingdom to the Talai Community of Kenya and compensation for the violation of the rights of the Community as ordered by the United Nations Human Rights Council.

- ix) The Senator for Bomet County (Sen. (Dr) Christopher Lang'at, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the sale of uncertified maize seeds to farmers in Bomet, parts of Kericho and Narok counties.
  
- x) The Senator for Kilifi County (Sen. Stewart Madzayo, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding Kenya's status of compliance to the African Union (AU) legal instruments and policy frameworks.

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