



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

**WEDNESDAY, NOVEMBER 17, 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 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)***

9. **\*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)***

10. **\*\*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)***

- 11. **\*THE COUNTY GOVERNMENTS (AMENDMENT) BILL, (SENATE BILLS NO. 38 OF 2021)**  
(Sen. Moses Kajwang, MP)

*(Second Reading)*

*(Resumption of debate interrupted on Tuesday, 16<sup>th</sup> November, 2021)  
(Division)*

- 12. **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.

- 13. **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, 30<sup>th</sup> March, 2021.

- 14. **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.

- 15. **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.

16. **\*\*\*THE NATIONAL HEALTH INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2021)**  
(The Senate Majority Leader)  
*(Second Reading)*
17. **\*THE ALTERNATIVE DISPUTE RESOLUTION BILL (SENATE BILLS NO. 34 OF 2021)**  
(Sen. (Arch.) Sylvia Kasanga, MP)  
*(Second Reading)*
18. **\*THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**  
(Sen. Kipchumba Murkomen, MP)  
*(Second Reading)*
19. **\*THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 19 OF 2021)**  
(Sen. Judith Pareno, MP)  
*(Second Reading)*
20. **\*THE SPORTS (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2021)**  
(Sen. Aaron Cheruiyot, MP)  
*(Second Reading)*
21. **\*THE SPECIAL NEEDS EDUCATION BILL (SENATE BILLS NO. 44 OF 2021)**  
(Sen. (Prof.) Margaret Kamar, MP and Sen. (Dr.) Gertrude Musuruve, MP)  
*(Second Reading)*
22. **\*THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 45 OF 2021)**  
(Sen. Rose Nyamunga, MP)  
*(Second Reading)*
23. **\*COMMITTEE OF THE WHOLE THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)**  
(Sen. (Dr.) Agnes Zani, MP)
24. **COMMITTEE OF THE WHOLE \*THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**  
(Sen. (Dr.) Agnes Zani, MP)
25. **COMMITTEE OF THE WHOLE \*\*THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 6 OF 2021)**  
(The Chairperson, Standing Committee on Education)
26. **COMMITTEE OF THE WHOLE \*THE PROMPT PAYMENT BILL (SENATE BILLS NO. 16 OF 2021)**  
(Sen. (CPA.) Farhiya Haji, MP and Sen. Sakaja Johnson, MP)

27. **COMMITTEE OF THE WHOLE**

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

(Sen. Sakaja Johnson, MP)

28. **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)***

...../Motion

29. **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.

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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**

**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-

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).

...../ **Amendments**

**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.

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

- ii) Petition to the Senate by Bishop Paul Kariuki Njiru and Sister Alice Wambui concerning illegal alienation of a Parcel of Land in Embu Municipality No. 375 (Leasehold) by the Child Welfare Society of Kenya.

*(Sen. Njeru Ndwiga, MP)*

**2. PAPER**

Report of the Standing Committee on Labour and Social Welfare on the Heritage and Museums Bill (Senate Bills No. 22 of 2021)

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

**3. NOTICE OF MOTION - ENGAGEMENT OF TRADITIONAL HEALTH PRACTITIONERS BY COUNTY GOVERNMENTS IN THE TREATMENT OF MENTAL HEALTH.**

*(Sen. Rose Nyamunga, MP)*

**AWARE THAT**, the Kenya Mental Health Policy 2015-2030 is a commitment to pursuing policy measures and strategies for achieving optimal health status and capacity of each individual whose goal is attainment of the highest standard of mental health;

**FURTHER AWARE THAT**, Advocacy for mental health goals, promotion of mental well-being, prevention of mental disorders, treatment of mental disorders and rehabilitation helps mentally ill individuals achieve optimum social and psychological functioning;

**APPRECIATING THAT**, these services are offered in the three main public level 6 hospitals and a few private providers in major urban centres despite the rise in suicide cases in Kenya which is largely attributed to mental health issues;

**CONCERNED THAT**, many Kenyans view mental illness as a spiritual problem rather than a medical one, causing them to turn to religious leaders or traditional healers for a cure;

**NOTING THAT**, Traditional Health Practitioners (THPs) are often the first line of contact for mental illness in Kenya, because they are readily available and accessible in the community and form part of the Community's cultural belief system, thus communities prefer seeking treatment from THPS rather than health facilities because of dissatisfaction with treatment and services at the local health facilities;

**FURTHER NOTING THAT**, no specific policy guides this, although the 2015-2030 mental health policy encourages integration of THPs into mental healthcare and support community leaders to participate in referral of persons with mental illness for treatment;

**ACKNOWLEDGING THAT**, the Traditional Health Practitioners Act, 2014 makes provision for training, registration and licensing and provides for the establishment, powers and functions of THPs Council of Kenya;

**NOW THEREFORE**, the Senate urges the Cabinet Secretary, Ministry of Health together with the Council of Governors, to ensure that Traditional Health Practitioners services are integrated in the modern healthcare system in order to ensure effective treatment of mental illnesses by:

- i. engaging THPs to help treat mental health issues;
- ii. formulating policy that will guide the collaboration between the mainstream health professionals and traditional health practitioners; and
- iii. establishing facilities at the lowest administrative units to monitor and attend to mental health issues.

#### **4. STATEMENTS**

##### **a) Pursuant to Standing Order 48 (1)**

- i) Nominated Senator (Sen. Isaac Ngugi Githua, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the frequent fire incidences at the Gikomba Market and the adverse effect to the micro-businesses.
- ii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning operations of the National Irrigation Board.
- iii) 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.

- iv) 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.

**b) Pursuant to Standing Order 51 (1) (b)**

- i) The Chairperson, Standing Committee on Education to issue a statement relating to the activities of the committee.
- ii) The Chairperson, Standing Committee on Energy to issue a statement relating to the activities of the committee.
- iii) The Chairperson, Standing Committee on Finance and Budget to issue a statement relating to the activities of the committee.

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