



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

THURSDAY, AUGUST 03, 2023 AT 2.30 PM

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. Questions and Statements (as listed in the Appendix)
8. ***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 25 OF 2023)**
(Sen. Samson Cherarkey, MP)

(First Reading)

9. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS (EQUITABLE SHARE) CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2023/2024 AND APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT (EQUITABLE SHARE) SCHEDULE FOR THE FINANCIAL YEAR 2023/2024**
(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024, laid on the Table of the Senate on Thursday, 27th July, 2023 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate **approves** the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024.

...../Bills

*(Resumption of debate interrupted on Wednesday, 2nd August, 2023 –
Afternoon Sitting)*

- 10. ***THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)**
(Sen. Mariam Sheikh Omar, MP)
(Second Reading)

*(Resumption of debate interrupted on Tuesday, 23rd May, 2023)
(Division)*

- 11. ****THE EQUALIZATION FUND (ADMINISTRATION) BILL (SENATE BILLS NO. 14 OF 2023)**
(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

(Resumption of debate interrupted on Thursday, 27th July, 2023)

- 12. ***THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)**
(Sen. James Murango, MP)

(Second Reading)

- 13. **COMMITTEE OF THE WHOLE**
***THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)**
(Sen. Maureen Tabitha Mutinda, MP)

- 14. **MOTION - INTEGRATION OF ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES IN KENYA**
(Sen. William Cheptumo, MP)

THAT, AWARE THAT, Kenya is a multi-ethnic country with a rich diversity of cultures, languages and traditions;

FURTHER AWARE THAT, ethnic minorities and marginalized communities face significant social, economic and political challenges including discrimination, marginalization and exclusion;

ACKNOWLEDGING THAT Articles 10 (2)b, 21(3), 27, 56, 91(1)(e), 100, 174(e), 177(1) (c),204(3)(b),216(4) and the Fifth Schedule to the Constitution of Kenya obligate the state to promote and protect the welfare of ethnic minorities and marginalized communities;

APPRECIATING THAT, the Government has put in place policies, legal and institutional frameworks including affirmative action programs to address the needs of other special interest groups namely children, persons with disabilities (PWDS), youth, women and the elderly;

...../Motion

CONCERNED THAT, ethnic minorities and marginalized communities remain largely unaddressed through similar interventions due to lack of an existing national policy and legislative framework;

NOW THEREFORE the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action, the National Gender and Equality Commission, National Cohesion and Integration Commission, the Directorate of National Cohesion and Values in the Office of the President and any other relevant state departments in collaboration with the Council of Governors: -

- i.) Initiate measures to identify and address the specific needs and challenges faced by ethnic minorities and marginalized communities in Kenya; and
- ii.) Develop and implement national policy and legislative framework for the integration of ethnic minorities and marginalized communities in Kenya as envisaged in the Constitution of Kenya.

***(Resumption of debate interrupted on Wednesday, 2nd August, 2023-
Morning Sitting – Balance of time – 2hrs 7mins)***

15. **MOTION – REGULATION OF ELECTRONIC CIGARETTES IN KENYA**

(Sen. Catherine Mumma, MP)

THAT, AWARE THAT Section 68 (1) (b) of the Health Act, 2017 provides for interventions by the national government to reduce the use of tobacco and other addictive substances and to counter exposure of children and others to tobacco smoke, and Section 32 of the Tobacco Control Act, 2007 provides for the right of every person to a smoke free environment including the protection from exposure to second-hand smoke;

CONCERNED THAT, while the Tobacco Control Act, defines key terms and covers topics including, but not limited to, restrictions on public smoking, tobacco advertising, promotion and sponsorship, and packaging and labelling of tobacco products, Section 2 of the Act does not contemplate non tobacco products and therefore lacks restrictions on the use, advertising, promotion and sponsorship, or packaging and labelling of synthetic nicotine in the form of e-cigarettes resulting in the increase in popularity and consumption of e-cigarettes among the youth including minor children;

NOW THEREFORE, the Senate resolves that the Ministry of Health should urgently convene an all-inclusive stakeholder forum to:

1. Develop a national policy regulating e-cigarettes and all related elements, including vape pens, e-liquids, flavors and their marketing and advertising in mainstream media as well as social media; and

...../**Motion**

2. Establish rules to govern the production, sale, advertising and consumption of synthetic nicotine, and control the illicit trade of counterfeit products.

16. **MOTION - REPORT OF THE SENATE DELEGATION TO THE 67TH SESSION OF THE COMMISSION ON THE STATUS OF WOMEN (CSW 67) HELD IN NEW YORK, FROM 6TH TO 17TH MARCH 2023**

(Sen. Fatuma Dullo, MP)

THAT, the Senate notes the Report of the Senate Delegation to the 67th Session of the Commission on the Status of Women (CSW) held in New York, from 6th to 17th March, 2023, laid on the Table of the Senate on Thursday, 29th June, 2023.

17. **REPORT OF THE 146TH ASSEMBLY OF THE INTER - PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN MANAMA, KINGDOM OF BAHRAIN FROM 11TH TO 15TH MARCH, 2023**

(Sen. Kathuri Murungi, MP)

THAT, the Senate notes the Report of the 146th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings, held in Manama, Kingdom of Bahrain, from 11th to 15th March, 2023, laid on the Table of the Senate on Tuesday 2nd May, 2023.

18. **MOTION - REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS**

(Sen. Wahome Wamatinga, MP)

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

NOTING THAT the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

COGNIZANT THAT the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavorable as a result of the high cost of living, lowered earnings from the App providers and high interest rates;

...../Motion

NOW THEREFORE the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

NOTICE

The Senate resolved on 15th February, 2023 as follows:-

THAT, pursuant to Standing Order 111 (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.

KEY

******- Denotes a Majority /Minority Party Bill**

*****- Denotes a National Assembly Bill**

****- Denotes a Committee Bill**

***- Denotes any other Bill**

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NOTICE OF AMENDMENTS

*THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL
(SENATE BILLS NO. 12 OF 2022)

(Sen. Maureen Tabitha Mutinda, MP)

NOTICE is given that the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Agricultural and Livestock Extension Services Bill, (Senate Bills No. 12 of 2022) at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new subclause—

- (1) In developing the National Extension Services Policy, the Cabinet Secretary shall have regard to—
 - (a) the need for an effective management and implementation structure at the national and county levels of government in order to ensure the effective development of the extension services industry;
 - (b) adequate capacity development and support for stakeholders in the extension services industry;
 - (c) the participation of stakeholders and communities at the national and county levels of government;
 - (d) the development of appropriate strategies and mechanisms at the national and county levels of government necessary to support the development of the extension services industry;
 - (e) the need to have in place a framework to monitor and evaluate the implementation of the policy in the development and regulation of the extension services industry;
 - (f) the resources required at the national and county levels of government for the effective implementation of the policy; and
 - (g) the capacity building programmes and strategies needed to be carried out to ensure that extension services providers are able to respond to the needs identified for the implementation of the policy.

CLAUSE 5

THAT clause 5 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new clause —

- (1) Each county executive committee member shall formulate and publish, in the *Gazette*, a county specific extension services strategy and shall, in formulating the strategy take into account the national agricultural and livestock policy formulated by the Cabinet Secretary under section 4.

CLAUSE 8

THAT clause 8 of the Bill be deleted and substituted therefor with the following new clause—

Functions of the service. 8. (1) The functions of the Service shall be to—

- (a) enhance the competitiveness of the agriculture and livestock industry in Kenya in an increasingly competitive world environment;
- (b) increase the long-term productivity of agriculture and livestock industry in Kenya while maintaining and enhancing the natural resource base on which the Counties and the National Government agricultural economy depend on;
- (c) develop new uses and new products for agricultural commodities and come up with alternative production methods to develop new crops; and
- (d) improve risk management in the agriculture and livestock industry in Kenya.

(2) In performance of its functions under subsection (1), the Service shall—

- (a) support agricultural research on extension services to promote economic opportunity in rural communities and to meet the increasing demand for information and technology transfer throughout the agriculture industry in Kenya;
- (b) collaborate with the county governments in —
 - (i) improving the coordination and planning of agricultural research, extension, and teaching programs;
 - (ii) identifying needs and establishing priorities for these programs;
 - (iii) ensuring that national agricultural research, extension, and teaching objectives are fully achieved; and
 - (iv) ensuring that the results of agricultural research are effectively communicated and demonstrated to farmers, processors, handlers, consumers, and all other users who can benefit from them.

- (c) maintain and disseminate information on standards for supply of nutritious and safe food by the county governments;
- (d) facilitate transfer of technology;
- (e) encourage the use of information communication technology by developing and packaging information in simple, easily accessible digital systems;
- (f) collaborate with international entities in order to leverage on resources, priority food and agricultural interests including addressing emerging plant and animal diseases, improving crop varieties and animal breeds and developing safe, efficient, and nutritious food systems;
- (g) mobilise resources at the national level for investment in development and implementation of extension service programs in the counties;
- (h) develop and coordinate intergovernmental relation mechanisms in the delivery of services related to extension services;
- (i) provide technical assistance and capacity building to the county governments on matters relating to extension services;
- (j) approve institutions for the training of extension services; and
- (k) establish, approve and accredit programs for continuing professional development programs.

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (2) by inserting the expression “(a)” immediately after the words “under section 11(1)”.

CLAUSE 11

THAT clause 11 of the Bill be amended in subclause (1) by inserting the expression “(a)” immediately after the words “under section 11(1)”.

CLAUSE 14

THAT clause 14 of the Bill be amended in sub-clause (1) (i) by deleting the word “sector” appearing immediately after the words “players in the” and substituting therefor the word “industry”.

CLAUSE 26

THAT clause 26 of the Bill be amended in –

(a) subclause (1) –

- (i) paragraph(a) by deleting the word “sector” appearing immediately after the words “the extension services” and substituting therefor the word “industry” in paragraph (a);
- (ii) by deleting the word “sector” appearing immediately after the words “the extension services” and substituting therefor the word “industry” in paragraph (e);

(b) sub-clause (2) by deleting the word “permits” appearing immediately after the words “applications for the” and substituting therefor the word “registration” in paragraph (b).

CLAUSE 30

THAT Clause 30 of the Bill be amended in—

- (a) subclause (1) by deleting the word “yearly” appearing immediately after the words “year, and the” and substituting therefor the word “annual”;
and
- (b) subclause (2) by deleting the words “to him” appearing immediately after the words “and statements submitted”.

APPENDIX

1. PETITIONS

- i.) Petition to the Senate by Mr. Benard Muchere, concerning public money allegedly stolen through the Standard Gauge Railway (SGR) project.

(Sen. Andrew Omtatah Okoiti, MP)

- ii.) Petition to the Senate by residents of Marungu within Mghange, Mwanda Ward in Taita Taveta County, concerning impending eviction from their ancestral land by the Holy Rosary Catholic Parish, Mwanda.

(The Speaker of the Senate)

- iii.) Report of the Standing Committee on Education on a petition concerning payment of pension to teachers who retired between 1997 and 2007.

(The Chairperson, Standing Committee on Education)

2. PAPERS

- i.) The Kabeere Springs Catchment Protection Area Order, Legal Notice No. 104 of 2023.
- ii.) The Kajulu Hills Catchment Protection Area Order, Legal Notice No. 105 of 2023.
- iii.) The Manguo Swamp Groundwater Conservation Area Order, Legal Notice No. 106 of 2023.
- iv.) The Marura (Ewaso Narok) Swamp Catchment Protection Area Order, Legal Notice No. 107 of 2023.

(The Senate Majority Leader)

3. QUESTIONS AND STATEMENTS

STATEMENTS

a) Statements pursuant to Standing Order 53(1)

- i.) The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the operations of World Coin in Kenya.

...../Appendix

- ii.) The Senator for Nyamira County (Sen. Okongó Mogeni, SC, MP) to seek a statement from the Standing Committee on Education regarding the Learner Capitation for National Secondary Schools in Kenya.
- iii.) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a statement from the Standing Committee on Education regarding the wellbeing of teachers post-retirement.
- iv.) Seneta wa Kaunti ya Mombasa (Sen. Mohammed Faki, MP) kuomba Kauli kutoka kwa Kamati ya Kudumu ya Barabara, Uchukuzi na Makao kuhusu barabara zinazomilikiwa na Mamlaka ya KURA ‘*Kenya Urban Roads Authority*’ katika Kaunti ya Mombasa.
- v.) Nominated Senator (Sen. Beatrice Ogola, MP) to seek a statement from the Standing Committee on Education concerning high rate of teenage pregnancies in Homa Bay County.
- vi.) Nominated Senator (Sen. Raphael Chimera, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the status of recruitment of the Director General of the Competition Authority of Kenya (CAK).
- vii.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a statement from the Standing Committee on Energy concerning the status of electricity connection in Marsabit County.
- viii.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Labour and Social Welfare concerning alleged discriminatory employment of doctors and medical staff in some counties in Kenya.

b) Pursuant to Standing Order 56(1) (b)

- i.) The Chairperson, Sessional Committee on County Public Investments and Special Funds to make a statement relating to the activities of the Committee for the period April to June, 2023.
- ii.) The Chairperson, Sessional Committee on Delegated Legislation to make a statement relating to the activities of the Committee for the period April to June, 2023.

c) Pursuant to Standing Order 57(1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 8th August, 2023.

NOTICE PAPER

Tentative Business for

Tuesday, August 08, 2023

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Tuesday, August 08, 2023.

A. BILLS AT THE SECOND READING STAGE

- i.) *THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)
(Sen. Wakili Hillary Sigei, MP)
- ii.) *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)
(Sen. Moses Kajwang' MP)
- iii.) **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)
(The Chairperson, Standing Committee on Labour and Social Welfare)
- iv.) *THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

B. MOTIONS

- i.) DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA
(Sen. Catherine Mumma, MP)
- ii.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE EDWARD OTIENO ONYANGO DUE TO ALLEGED MEDICAL NEGLIGENCE
(The Chairperson, Standing Committee on Health)
- iii.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE MAUREEN ANYANGO AT MAMA LUCY KIBAKI HOSPITAL DUE TO ALLEGED MEDICAL NEGLIGENCE
(The Chairperson, Standing Committee on Health)
- iv.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE CIRCUMSTANCES THAT LED TO THE DEATH OF THE LATE MASTER TRAVIS MAINA AT KENYATTA NATIONAL HOSPITAL
(The Chairperson, Standing Committee on Health)
