



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

SUPPLEMENTARY ORDER PAPER

TUESDAY, AUGUST 08, 2023 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. ***THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**
(Sen. Beatrice Ogola, MP)

(First Reading)

9. ***THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)**
(Sen. Miraj A. Abdulrahman, MP)

(First Reading)

10. ***THE RICE BILL (SENATE BILLS NO. 19 OF 2023)**
(Sen. James Kamau Murango, MP)

(First Reading)

11. **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 (EQUITABLE SHARE) CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2023/2024.**

(The Chairperson, Standing Committee on Finance and Budget)

...../Bills

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.

***(Resumption of debate interrupted on Thursday, 3rd August, 2023)
(Division)***

12. *****THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)**
(The Senate Majority Leader)
(Second Reading)

13. ***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)***

14. ****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, 3rd August, 2023)

15. ***THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**
(Sen. Wakili Hillary Sigei, MP)
(Second Reading)

16. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**
(Sen. Moses Kajwang' MP)
(Second Reading)

17. ****THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)**
(The Chairperson, Standing Committee on Labour and Social Welfare)
(Second Reading)

18. ***THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)**
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

(Second Reading)

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

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;

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 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)***

...../Motion

20. **MOTION - 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.

21. **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;

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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APPENDIX

1. MESSAGE

Message from the County Assembly of Nyandarua concerning the consultation with the Kenya Wildlife Service, National Environment Management Authority (NEMA), the Kenya Forest Service (KFS) and other government agencies on the gazettelement of Lake Ol'Bolossat as a National Reserve.

(The Speaker of the Senate)

2. QUESTIONS AND STATEMENTS

STATEMENTS

a) Statements pursuant to Standing Order 52(1)

The Senator for Turkana County (Sen. James Lomenen Ekomwa, MP) to make a statement concerning the arrest and continued detention of the Turkana pastoralists in Uganda.

b) Statements pursuant to Standing Order 53(1)

- i.) 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.
- ii.) 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.
- iii.) 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.
- iv.) 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.
- v.) 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).

...../Appendix

- vi.) 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.
- vii.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism regarding alleged malpractices and exploitation by Watu Credit.
- viii.) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) to seek a statement from the Standing Committee on Finance and Budget regarding the status of pending bills in Vihiga County.

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

- i.) The Chairperson, 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, Committee on Delegated Legislation to make a statement relating to the activities of the Committee for the period April to June, 2023.

NOTICE PAPER I**Tentative Business for****Wednesday, August 09, 2023 (Morning Sitting)***(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 Wednesday, August 09, 2023 (Morning Sitting).

A. QUESTIONS

The following Parliamentary Questions have been scheduled by the Senate Business Committee for reply by the relevant Cabinet Secretaries on Wednesday, 9th August, 2023, at 9:30 am:-

QUESTION NO.	SENATOR	SUBJECT	MINISTRY
021	Sen. George Mbugua, MP	Delay in review of the Basic Education Act to address PWDs education needs and the non-implementation of the Sector Policy for Learners and Trainees with Disabilities (2018)	Education
027	Sen. Joyce Korir, MP	Status of completion of the stalled project at Bomet University	Education
034	Sen. Peris P. Tobiko, CBS, MP	Implementation of the Competency Based Curriculum (CBC) and the purpose of the Kenya Primary School Education Assessment (KPSEA)	Education
035	Sen. Mariam Omar Sheikh, MP	Alleged discrimination against Muslim students, with regard to the wearing of <i>Hijab</i> and trousers, in some public schools	Education

...../Notice Paper I

037	Sen. Samson Cherarkey, MP	Capitation and the disbursement process of funds to all public schools	Education
038	Sen. Samson Cherarkey, MP	Status of the 'delocalization' programme	Education
039	Sen. Samson Cherarkey, MP	Lifestyle audit on senior officers at the Teachers Service Commission	Education
040	Sen. Samson Cherarkey, MP	Non remittance of Union and SACCO dues by the TSC	Education

B. MOTIONS

- i.) DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES
(Sen. Crystal Asige, MP)
- ii.) DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA
(Sen. Catherine Mumma, MP)

NOTICE PAPER II

Tentative Business for

Wednesday, August 09, 2023 (Afternoon Sitting)

(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 Wednesday, August 09, 2023 (Afternoon Sitting).

A. BILLS AT COMMITTEE OF THE WHOLE

- i.) *THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)
- ii.) *THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)
(Sen. Maureen Tabitha Mutinda, MP)
- iii.) *THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)
(Sen. Crystal Asige, MP)
- iv.) *THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)
(Sen. Enoch Wambua, MP)
- v.) *THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)
(Sen. Crystal Asige, MP)
- vi.) *THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)
(Sen. Mariam Sheikh Omar, MP)

B. BILLS AT THE SECOND READING STAGE

- i.) **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)
(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
- ii.) *THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)
(Sen. Samson Cherarkey, MP)

C. MOTIONS

- i.) 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)

- ii.) 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)

- iii.) 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)
