



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

THURSDAY, JUNE 22, 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
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. ***THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL
(SENATE BILLS NO. 12 OF 2022)**
(Sen. Maureen Tabitha Mutinda, MP)

(Second Reading)

***(Resumption of debate interrupted on Tuesday, 20th June, 2023)
(Division)***

9. **COMMITTEE OF THE WHOLE**
***THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5
OF 2023)**
(Sen. Beth Syengo, MP)

***(Resumption of debate interrupted on Wednesday, 21st June, 2023 –
Afternoon Sitting)
(Division)***

...../Bills

10. **COMMITTEE OF THE WHOLE*****THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)**

(Sen. Samson Cherarkey, MP)

*(Resumption of debate interrupted on Wednesday, 21st June, 2023 –
Afternoon Sitting)
(Division)*

11. ***THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)**

(Sen. Enoch Wambua, MP)

(Second Reading)

*(Resumption of debate interrupted on Wednesday, 21st June, 2023 –
Afternoon Sitting)*

12. ***THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)**

(Sen. James Murango, MP)

*(Second Reading)*13. ****THE EQUALIZATION FUND (ADMINISTRATION) BILL (SENATE BILLS NO. 14 OF 2023)**

(The Chairperson, Standing Committee on Finance and Budget)

*(Second Reading)*14. **MOTION - INCORPORATION OF INTELLIGENT WATER MANAGEMENT SYSTEMS IN BUILDING PLANS FOR SUSTAINABLE LIVING**

(Sen. Wahome Wamatinga, MP)

THAT, AWARE THAT water is an essential yet scarce resource whose demand is increasing rapidly due to population growth, urbanization, and industrialization, and whose wastage has become an issue that needs to be addressed urgently owing to Kenya's vulnerability to climate change;

NOTING THAT there is a growth in the number of buildings coming up to accommodate the rapidly growing population thereby posing a challenge to water management;

APPRECIATING THAT the incorporation of water management systems in building plans include a variety of techniques and technologies such as rainwater harvesting, waste water recycling, low-flow plumbing, and sensor systems that detect leaks and (de)activate water flow when necessary thereby optimizing the use of water by eliminating water overexploitation, waste water management, and pollution;

...../Motions

NOW THEREFORE the Senate urges the Ministry of Lands, Public Works, Housing and Urban Development in coordination with the Council of Governors and the National Environment Management Authority to:

- i. incorporate into the building code and standards a requirement for intelligent water management systems in all building plans; and
- ii. undertake a systematic nation-wide renovation to government-owned buildings to incorporate water management systems.

*(Resumption of debate interrupted on Wednesday, 14th June, 2023 – morning sitting)
(Balance of time 1hr 23mins)*

15. **MOTION - 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)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the death of Late Edward Otieno Onyango, due to alleged medical negligence, laid on the table of the Senate on Wednesday, 31st May, 2023.

16. **MOTION- 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)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the death of the late Maureen Anyango at Mama Lucy Kibaki Hospital due to alleged medical negligence, laid on the table of the Senate on Wednesday, 31st May, 2023.

17. **MOTION- 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)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the circumstances that led to the death of the late Master Travis Maina at Kenyatta National Hospital, laid on the table of the Senate on Wednesday, 31st May, 2023.

18. **MOTION - REVIEW OF THE MINIMUM WAGE NECESSITATED BY HIGH COST OF LIVING**

(Sen. Karen Nyamu, MP)

THAT, AWARE THAT minimum wages in Kenya are specified as part of a national wage policy and guided by the Regulation of Wages and Conditions of Employment Act (CAP 229) aimed at reducing poverty as well as protecting and promoting the living standards of workers;

CONCERNED THAT, despite the increase in Kenya’s minimum wage in May 2022 by 12% to help workers cope with the surge in consumer prices, the current inflation rates have had a knock-on effect on the cost of living and doing business in the country with the prices of goods, household energy bills, and transport remaining stubbornly high;

NOW THEREFORE the Senate resolves that the Cabinet Secretary for Labour and Social Protection engages all stakeholders including the General Wages Advisory Board (GWAB) and the Agricultural Wages Advisory Board (AWAB) with a view of raising the minimum wage by at least 50% as from 1st May, 2023.

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;

...../Motion

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.

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

A. *THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)

(Sen. Beth Syengo, MP)

NOTICE is given that the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) at the Committee Stage—

CLAUSE 7

THAT clause 7 of the Bill be amended—

a) in subclause (1) by—

i. inserting the following new paragraph immediately after paragraph (b)—

(ba) the Principal Secretary responsible for matters relating to trade.

ii. deleting paragraph (d) and substituting therefor the following new paragraph—

(d) one person with knowledge of the cotton industry nominated by the Council of County governors;

iii. inserting the following new paragraph immediately after paragraph (d) —

(da) one person representing ginnerers nominated by the apex association of ginnerers;

CLAUSE 11

THAT clause 11 of the Bill be amended in subclause (1) by inserting the following new paragraphs immediately after paragraph (n)—

(na) carry out periodic research to determine and make recommendation on fair prices for cotton;

(nb) undertake research and develop suitable affordable cotton seeds in consultation with the National Biosafety Authority and other research institutions;

(nc) in collaboration with the Agricultural Development Corporation and other relevant government agencies —

- (i). provide affordable equipment, farm inputs including seeds, fertilizers and pesticides to the growers; and
- (ii). design affordable crop insurance models.

CLAUSE 23

THAT clause 23 of the Bill be amended —

- a) in subclause (1) by deleting paragraph (d);
- b) in subclause (2) by inserting the following new paragraphs immediately after paragraph (k) —
 - (ka) monitor and provide technical support for the eradication of noxious and invasive weeds and report any incidences to the Board.;
 - (kb) establish cotton aggregation centres in collaboration with the national government;
 - (kc) establish cotton collection centres and storage facilities;
 - (kd) put in place programs for provision of farm machinery; and
 - (ke) provide affordable farm-inputs including quality seeds, fertilizer and other planting materials.
- c) by inserting the following subclause immediately after subclause (2) —
 - (3) The county executive committee member responsible for finance may from time to time implement such measures, including incentives in order to promote the development of the cotton industry.

CLAUSE 24

THAT clause 24 of the Bill be amended by inserting the following new subclauses immediately after subclause (1) —

- (1A) Notwithstanding subsection (1), a grower who is a registered member of a cooperative society or cotton association which is registered by a county government, shall be exempted from registration by that county government.
- (1B) Subsection (1A) shall apply to a grower on condition that the cooperative society or cotton association is registered in the same county as that which the grower is carrying out business.
- (1C) A registered cooperative society or cotton association shall-
 - (a) submit a register of its members to the respective county government at the beginning of each calendar year; and

- (b) furnish the county government with information on any change of membership within 14 days of a change of membership.

CLAUSE 25

THAT clause 25 of the Bill be amended in—

- a) subclause (1) by deleting the words “manufacture or processing of cotton products” appearing immediately after the words “engage in the “and substituting therefor the word “business of cotton ginning, spinning or value addition”
- b) Subclause (2) by deleting the words “manufacture or process cotton products” appearing immediately after the words “who intends to” and substituting therefor the words “engage in the business of cotton ginning, spinning or value addition”.

CLAUSE 32

THAT clause 32 of the Bill be amended in

- i. subclause (1) by deleting the word “products” appearing immediately after the words “seed or cotton “and substituting therefor the words “or cotton by-products”;
- ii. subclause (2) by deleting the word “products” appearing immediately after the words “or process cotton “and substituting therefor the words “ or cotton by-products”;

NEW CLAUSE 23A

THAT the Bill be amended by inserting the following new clause immediately after clause 23—

County Cotton
Development
Committee

23A. (1) Each county executive committee member in the cotton growing counties listed in the Second Schedule shall establish a Cotton Development Committee for the better carrying out of the functions under this Act.

(2) The committee shall comprise representatives of the county government, growers, ginner and any other relevant stakeholder from the county that the county executive committee member shall deem fit.

(3) The function of the committee shall be to advise the county executive committee member on matters affecting the cotton industry.

(4) The committee shall comprise of not more than nine (9) members.

(5) The respective county executive committee member shall appoint chairperson and members to the board.

(6) The term of service of the members shall be 3 years renewable once.

(7) The respective county executive committee member shall prescribe, in regulations, the conduct of business and affairs of the committee.

NEW HEADING

THAT the Bill be amended by inserting the following new heading immediately after clause 48—

PART VII— TRANSITIONAL PROVISIONS.

NEW CLAUSES

That the Bill be amended by inserting the following new clauses immediately after clause 48—

- Interpretation. **49.** In this Part—

 “appointed day” means the day this Act comes into force.
- Rights and **50.** On the appointed day, all rights, obligations and contracts which, immediately before the coming into operation of this Act, were vested in or imposed on the Agriculture and Food Authority with respect to the cotton sector shall by virtue of this section, be deemed to be the rights, obligations and contracts of the Board as the case may be.
- Assets. **51.** On the appointed day, all funds, assets, and other property, moveable and immovable which were immediately before the appointed day vested in Agriculture and Food Authority for the carrying out of functions relating to cotton, shall vest in the Board.

- Legal proceedings **52.** On the appointed day, all actions, suits or legal proceedings pending by or against the Agriculture and Food Authority in relation to the cotton sector shall be carried on or prosecuted by or against the Board, and no action, suit or legal proceedings shall in any manner abate or be prejudicially affected by the enactment of this Act.

- Reference to written laws. **53.** Any reference to the Agriculture and Food Authority in any written law or in any contract, document or instrument of whatever nature, in relation to cotton, shall, on the appointed day, be read and construed as a reference to the Board.

- Previous authorizations. **54.** All directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Agriculture and Food Authority in relation to cotton, and subsisting or valid immediately before the appointed day, shall be deemed to have been given, issued or made by the Authority as the case may be, under this Act.

- Staff. **55.** Any person who, at the commencement of this Act, is a member of staff of the Agriculture and Food Authority dealing with the cotton sector shall, on the appointed day, become a member of staff of the Board.

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following definitions immediately after —

- a) the definition of “chief executive officer” —
 - “Cotton industry” includes growers, ginnerers, spinners and cotton value addition industries.

- b) the definition of “cotton seed”
 - “Council of County Governors” means the Council of County Governors established under section 19 of the Intergovernmental Relations Act.

APPENDIX

1. PETITION

Petition to the Senate by the Nyandarua Integrated Internally Displaced Persons (IDPs) concerning delayed compensation and occupation of parcels of land bought for their settlement between 2010 and 2013.

(Sen. John Methu, MP)

2. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 53(1)

- (i) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the state of licenses for gold mining companies in Vihiga County.
- (ii) The Senator for Kitui County (Sen. Enoch Wambua, MP) to seek a statement from the Standing Committee on Education regarding the delayed payment of salaries to staff and pending bills at Kitui Teachers Training College.
- (iii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the ownership and registration of land on the irrigation schemes in Kisumu County.
- (iv) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the state of insecurity in Katito township in Kisumu County.
- (v) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the rampant incidences of police brutality in Kisumu County.

b) 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, 27th June, 2023.

NOTICE PAPER

Tentative Business for

Tuesday, June 27, 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, June 27, 2023.

A. BILLS AT THE SECOND READING STAGE

- i.) *THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)
(Sen. Mariam Sheikh Omar, MP)
- ii.) *THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)
(Sen. Crystal Asige, MP)
- iii.) *THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)
(Sen. Wakili Hillary Sigei, MP)
- iv.) *THE KONZA TECHNOPOLIS BILL (SENATE BILLS NO. 2 OF 2023)
(Sen. Gloria Orwoba, MP)
- v.) *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)
(Sen. Moses Kajwang' MP)

B. MOTIONS

- i.) REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS
(Sen. Wahome Wamatinga, MP)
 - ii.) ARBITRARY ARRESTS OF KENYAN FISHERMEN BY UGANDAN AUTHORITIES
(Sen. (Dr.) Oburu Oginga, MP)
 - iii.) ESTABLISHMENT OF AN AD HOC COMMITTEE ON THE COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES OF AMERICA EMBASSY IN NAIROBI
(Sen. Agnes Kavindu Muthama, MP)
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