



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

THURSDAY, JUNE 29, 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 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. ***THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)**
(Sen. Crystal Asige, MP)

(Second Reading)

***(Resumption of debate interrupted on Tuesday, 27th June, 2023)
(Division)***

10. **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

- 11. **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)*

- 12. **COMMITTEE OF THE WHOLE**
***THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)**
 (Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

- 13. ***THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)**
 (Sen. Enoch Wambua, MP)
(Second Reading)

(Resumption of debate interrupted on Thursday, 22nd June, 2023)

- 14. ***THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)**
 (Sen. Crystal Asige, MP)
(Second Reading)

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

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

- 17. ****THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)**
 (Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
(Second Reading)

- 18. ***THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)**
 (Sen. Samson Cherarkey, MP)
(Second Reading)

...../Motion

- 19.

20. **MOTION – 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)

THAT, AWARE THAT, disaster is defined as an overwhelming event and circumstance that tests the adaptation of responses of a community or individuals beyond their capability and leads momentarily to massive disruption of function for a community or individual that often exceeds their capacity to cope using existing resources;

FURTHER AWARE THAT, such was the case with the 1998 US Embassy Bomb disaster in Nairobi in which many of the Kenyan casualties resulted from the collapse of adjacent buildings located within a two to three block radius, and with reverberations being felt in most parts of Nairobi that resulted in 213 Kenyans and 12 Americans killed and over 5000 citizens of both countries being seriously injured;

NOTING THAT, US Allies, including Kenya, have endured the great burden of death, and long-term and in many instances permanent, physical and psychological injury;

FURTHER NOTING THAT, the United States Government has since compensated some of the victims and families of US citizens, leaving the families of Kenyan citizens and certain other victims uncompensated;

NOW, THEREFORE, the Senate resolves to establish an Ad Hoc committee to –

- (i) engage the Ministry of Foreign and Diaspora Affairs to advance friendship and co-operation between the United States of America and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kin in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act;
- (ii) coordinate with the Ministry of Foreign and Diaspora Affairs in the engagement of victims, their personal representatives, the United States of America government and other stakeholders at home and abroad to pursue and accomplish the compensation of victims and families of the victims of Kenyan nationals; and,
- (iii) coordinate with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

and submit a report to the House within 90 days with effect from 3rd July, 2023;

...../Motion

AND FURTHER THAT, the following Senators be appointed to serve in the Ad Hoc committee –

1. Sen. Agnes Kavindu Muthama, MP;
2. Sen. Daniel Maanzo, MP;
3. Sen. Alexander Mundigi, MP;
4. Sen. Beatrice Ogolla, MP;
5. Sen. Johnes Mwaruma, MP;
6. Sen. Mohamed Said Chute, MP;
7. Sen. Jackson Mandago, MP;
8. Sen. William Cheptumo, MP; and,
9. Sen. Peris Tobiko, MP.

***(Resumption of debate interrupted on Tuesday, 27th June, 2023)
(Balance of time 2hrs 27mins)***

21. **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;

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.

...../Motion

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

22. **MOTION – ACCELERATING THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOALS (SDGs)**

(Sen. Catherine Mumma, MP)

AWARE THAT, the 2030 agenda for Sustainable Development adopted by all United Nations Member States in 2015 provides a shared global blueprint aimed at ending poverty, protecting the earth’s environment and climate and ensuring that people everywhere enjoy peace and prosperity;

APPRECIATING THAT, the implementation of the 2030 agenda for Sustainable Development in Kenya started by the official launch of the Sustainable Development Goals (SDGs) in Kenya in 2016 followed by the development of the Country SDGs roadmap to guide the transition from Millennium Development Goals to SDGs and the mainstreaming of the SDGs at both the National and County Governments;

CONCERNED THAT, the implementation of the 2030 agenda for sustainable Development in Kenya has been affected negatively by shocks such as continued drought since 2019 in Kenya and around the world, serious invasion by desert locusts, the COVID-19 pandemic and other public health calamities and the current strained state of the Kenyan economy;

NOW THEREFORE, the Senate resolves that the State Department for Economic Planning in consultation with the Council of Governors comes up with reviewed implementation roadmaps for the two levels of Government taking into account the shocks that have impeded or any other that are likely to impede the implementation of the 2030 agenda for Sustainable Development.

23. **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;

...../Motion

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.

24. **MOTION - DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES**

(Sen. Crystal Asige, MP)

THAT AWARE THAT, Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

NOTING THAT the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions which if uncontrolled, will result to negative impact of climate change that will adversely affect millions of Kenyans;

CONCERNED THAT the number of private vehicles has significantly grown leading to increased road accidents, carbon emission and vehicle congestion costs which are in excess of Kshs. 100 billion in GDP per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, in collaboration with the Council of Governors, and the National Climate Change Council to;

- i.) identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas;

...../Motion

- ii.) provide affordable, safe and efficient public transport including but not limited to development of Bus Rapid Transport (BRT) in the urban areas;
- iii.) encourage the use of electric hybrid buses and provide appropriate incentives for their use; and
- iv.) design an infrastructure that can support non – motorized transport facilities such as pedestrian and bicycle access within urban centers; and
- v.) ensure inter-modal connectivity among the various transport modes.

25. **MOTION - DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA**

(Sen. Catherine Mumma, MP)

AWARE THAT the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination;

FURTHER AWARE THAT Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects;

CONCERNED THAT inadequate attention to social risks in the planning and implementation of development projects at both national and county levels makes them unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks;

NOW, THEREFORE, the Senate resolves that:

1. The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and
2. The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

...../Motion

26. MOTION – ADJOURNMENT OF THE SENATE
(The Senate Majority Leader)

THAT, pursuant to Standing Order 31 (3), the Senate do adjourn until Tuesday, 18th July, 2023.

NOTICE

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

i.) **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.

ii.) **THAT**, notwithstanding the provisions of Standing Order 111 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

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 Mr. Kerich Kipronoh Hillary, concerning the catastrophic maize disease that has been endured by farmers in Bomet County for the past twelve (12) years.

(The Speaker of the Senate)

2. PAPERS

- i.) The Central Bank of Kenya Bank Supervision Annual Report of for the year 2021.

(The Senate Majority Leader)

- ii.) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Prevention of Livestock and Produce Theft Bill (Senate Bills No. 12 of 2023)

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

3. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 53(1)

- (i) Nominated Senator, (Sen. Esther Okenyuri, MP) to seek a statement from the Standing Committee on Health regarding accreditation of new clinics and health facilities across the country, by the Board of the National health Insurance Fund (NHIF).
- (ii) Nominated Senator, (Sen. Esther Okenyuri, MP) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism regarding the sensitization and involvement of women and youth start-ups in the special economic zones and county aggregation industrial parks.

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, 18th July, 2023.

NOTICE PAPER

Tentative Business for

Tuesday, July 18, 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, July 18, 2023.

A. BILL AT COMMITTEE OF THE WHOLE

*THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)

(Sen. Danson Mungatana, MP)

B. BILLS AT THE SECOND READING STAGE

i.) *THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)
(Sen. Mariam Sheikh Omar, MP) (Division)

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

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

C. MOTIONS

i.) DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS
(Sen. William Cheptumo, MP)

ii.) 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)

iii.) REGULATION OF ELECTRONIC CIGARETTES IN KENYA
(Sen. Catherine Mumma, MP)

...../Notice Paper

- iv.) 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)

- v.) 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)

- vi.) 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)
