



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

TUESDAY, JULY 18, 2023 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
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 COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 24 OF 2023)**
(Sen. Moses Kajwang', MP)
(First Reading)
9. ***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)
10. ***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)

11. ***THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)**
(Sen. Enoch Wambua, MP)
(Second Reading)
(Resumption of debate interrupted on Thursday, 29th June, 2023)
(Division)
12. ***THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)**
(Sen. Crystal Asige, MP)
(Second Reading)
(Resumption of debate interrupted on Thursday, 29th June, 2023)
13. ***THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)**
(Sen. Mariam Sheikh Omar, MP)
(Second Reading)
14. ***THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**
(Sen. Wakili Hillary Sigei, MP)
(Second Reading)
15. ***THE KONZA TECHNOPOLIS BILL (SENATE BILLS NO. 2 OF 2023)**
(Sen. Gloria Orwoba, MP)
(Second Reading)
16. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**
(Sen. Moses Kajwang' MP)
(Second Reading)
17. **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.

...../Motion

18. **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.

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

19. **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;

...../Motion

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.

20. **MOTION - ARBITRARY ARRESTS OF KENYAN FISHERMEN BY UGANDAN AUTHORITIES**

(Sen. (Dr.) Oburu Oginga, MP)

THAT AWARE THAT the communities around the lake rely on fishing as their main economic activity, their source of food and employment;

CONCERNED THAT the fishermen have reported harassment from the Ugandan security personnel including arbitrary arrests and imposition of unreasonable fines;

FURTHER CONCERNED THAT in November, 2021 the Kenya International Boundaries office formed a Joint Committee with the Ugandan authorities that did not effectively delineate the boundaries that would have helped avoid conflict between the two Countries;

NOW THEREFORE the Senate resolves that-

- a) the Ministry of Foreign and Diaspora Affairs in collaboration with the Ministry of East African Community (EAC), the ASALs and Regional Development engages the counterpart ministries in the Republic of Uganda to;
 - i) Fast-track the delineation of the Kenya-Uganda boundary;
 - ii) Develop measures to curb the arrests of Kenyan fishermen by Ugandan authorities;
 - iii) Institute a protocol for sustainable development of the Lake Victoria Basin on the sharing of resources between partner states; and

...../Motion

- b) The Ministry of Interior and National Administration to deploy the Kenya Coast Guard in the territorial waters of Lake Victoria to enforce maritime security and safety.

21. **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.

...../Notice

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**

-----**XXX**-----

APPENDIX

1. MESSAGES

- i.) Message from the National Assembly on the passage, by the National Assembly, of the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023).
- ii.) Message from the National Assembly on the passage, by the National Assembly, of the County Governments Additional Allocations Bill (National Assembly Bill No. 23 of 2023)

(The Speaker of the Senate)

2. PETITIONS

- i.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Mr. Nayan Savla concerning the delay in developing and launching a Victims Rights Charter as provided for under the Victim Protection Act (No. 17 of 2014).
- ii.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Mr. Paulo Mosbei and 19 others concerning historical injustices suffered by the Torobeek Community.

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

3. PAPERS

- i.) The County Governments Equitable Share Cash Disbursement Schedule for the Financial Year 2023/2024.
- ii.) The Commission on Administrative Justice (CAJ) Annual Report for Financial Year 2021/2022.
- iii.) The Commission on Administrative Justice Bi-Annual Report for the period July – December, 2022.
- iv.) Report of the Auditor-General on the financial statement of the Municipality of Hola for the year ended 30th June, 2020.
- v.) Report of the Auditor-General on the financial statement of the Municipality of Hola for the year ended 30th June, 2021.
- vi.) Report of the Auditor-General on the financial statement of the Municipality of Hola for the year ended 30th June, 2022.

...../Appendix

- vii.) Report of the Auditor-General on the financial statements of the Nairobi City Water and Sewerage Company Limited for the year ended 30th June, 2022.
- viii.) Report of the Auditor-General on the financial statement of the County Government of Kisumu – Kisumu Urban Project (Project Advance Account) – CKE 1035.01.G for the year ended 30th June, 2022.
- ix.) Report of the Auditor-General on the financial statement of the Kisumu Water and Sanitation Company Limited for the year ended 30th June, 2022.
- x.) Report of the Auditor-General on the financial statement of the Kisumu Lakefront Development Corporation for the year ended 30th June, 2022.
- xi.) Report of the Auditor-General on the financial statement of the Kisumu County Education Fund for the year ended 30th June, 2022.
- xii.) Report of the Auditor-General on the financial statement of the Kisumu County Women, Youth and People with Disabilities Fund for the year ended 30th June, 2022.
- xiii.) Report of the Auditor-General on the financial statement of Kiambu Municipality for the year ended 30th June, 2022.
- xiv.) Report of the Auditor-General on the financial statement of Kikuyu Municipality for the year ended 30th June, 2022.
- xv.) Report of the Auditor-General on the financial statement of Ruiru Municipality for the year ended 30th June, 2022.
- xvi.) Report of the Auditor-General on the financial statement of Limuru Municipality for the year ended 30th June, 2022.
- xvii.) Report of the Auditor-General on the financial statement of Karuri Municipality for the year ended 30th June, 2022.
- xviii.) Report of the Auditor-General on the financial statement of the Kericho County Bursary Fund for the year ended 30th June, 2022.
- xix.) Report of the Auditor-General on the financial statement of the County Government of Bomet - Longisa County Referral Level 4 Hospital for the year ended 30th June, 2022.

- xx.) Report of the Auditor-General on the financial statement of the County Government of Turkana – County Revenue Fund for the year ended 30th June, 2022.
- xxi.) Report of the Auditor-General on the financial statement of Lodwar Water and Sanitation Company Limited for the year ended 30th June, 2022.
- xxii.) Report of the Auditor-General on the financial statement of Amatsi Water Services Company Limited for the year ended 30th June, 2022.
- xxiii.) Report of the Auditor-General on the financial statement of Kakamega County Water and Sanitation Company Limited for the year ended 30th June, 2022.
- xxiv.) Report of the Auditor-General on the financial statement of Kakamega County Microfinance Corporation for the year ended 30th June, 2022.
- xxv.) Report of the Auditor-General on the financial statement of Bungoma County Youth and Women Empowerment Fund for the year ended 30th June, 2022.
- xxvi.) Report of the Auditor-General on the financial statement of Rachuonyo County Hospital for the year ended 30th June, 2022.
- xxvii.) Report of the Auditor-General on the financial statement of Migori County Referral Hospital for the year ended 30th June, 2022.
- xxviii.) Report of the Auditor-General on the financial statement of Suba Sub-County Hospital for the year ended 30th June, 2022.
- xxix.) Report of the Auditor-General on the financial statement of Homabay County Teaching and Referral Hospital for the year ended 30th June, 2022.

(The Senate Majority Leader)

4. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 52(1)

The Senator for Tana River County (Sen. Danson Mungatana, MP) to make a statement concerning the Joint African Union (AU) – Pan-African Parliament (PAP) Electoral Observation Mission on the General Elections held on 24th June, 2023, in the Republic of Sierra Leone.

...../Appendix

b) Pursuant to Standing Order 53(1)

- (i) Nominated Senator (Sen. Esther Okenyuri, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the neglect of the role of the Abagusii community in the fight for Kenya's independence.
- (ii) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding distribution of subsidized fertilizer by the Government.
- (iii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Lands, Environment and Natural Resources concerning the status of adjudication of Kaloleni Majengo Settlement Scheme in Voi Sub-County, Taita Taveta County.
- (iv) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the release of retention money arising out of contracts for construction work in the Northern Frontier Counties.

NOTICE PAPER I**Tentative Business for****Wednesday, July 19, 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, July 19, 2023 (Morning Sitting).

A. QUESTIONS

The following Parliamentary Questions have been scheduled by the Senate Business Committee for reply by the Cabinet Secretary on Wednesday, 19th July, 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 purpose of the Kenya Primary School Education Assessment (KPSEA)	Education

...../Notice Paper I

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
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 TSC	Education
040	Sen. Samson Cherarkey, MP	Non remittance of Union and SACCO dues by TSC	Education

B. MOTIONS

- i.) ACCELERATING THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOALS (SDGs)
(Sen. Catherine Mumma, MP)
- ii.) INTEGRATION OF ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES IN KENYA
(Sen. William Cheptumo, MP)
- iii.) DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS
(Sen. William Cheptumo, MP)

NOTICE PAPER II

Tentative Business for

Wednesday, July 19, 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, July 19, 2023 (Afternoon Sitting).

A. BILLS AT COMMITTEE OF THE WHOLE

- i.) *THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022) (Division)
(Sen. Danson Mungatana, MP)
- ii.) *THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023) (Division)
(Sen. Beth Syengo, MP)
- iii.) *THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022) (Division)
(Sen. Samson Cherarkey, MP)
- iv.) *THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

B. BILLS AT THE SECOND READING STAGE

- v.) *THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)
(The Chairperson, Standing Committee on Labour and Social Welfare)
- vi.) *THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)
- vii.) **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)
(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
- viii.) *THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)
(Sen. Samson Cherarkey, MP)

C. 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)
- iii.) 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)
- iv.) 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)
- v.) 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)
