



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (SECOND SESSION)
THE SENATE
ORDER PAPER
MORNING SITTING

WEDNESDAY, OCTOBER 18, 2023 AT 9.30 AM

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 EQUALIZATION FUND APPROPRIATION BILL, (SENATE BILLS NO. 30 OF 2023)**
(The Chairperson, Standing Committee on Finance and Budget)
(Second Reading)
9. **MOTION – EXTENSION OF THE MANDATE OF THE NATIONAL DIALOGUE COMMITTEE**
(The Senate Majority Leader)

AWARE THAT the National Dialogue Committee was established by Parliament through a Resolution passed by the National Assembly and Senate on 16th August 2023 and 29th August 2023 respectively;

FURTHER AWARE that the Resolution outlines the mandate of the Committee which includes to facilitate dialogue, consensus building and recommend appropriate constitutional, legal, and policy reforms on issues of concern to the people of Kenya;

ACKNOWLEDGING THAT since its establishment, the Committee has made tremendous progress in exercise of its mandate and has achieved the following milestones: Formulated and adopted the Framework Agreement; Framed and

...../Motion

adopted the Statement of Issues; Unbundled the Issues and agreed on prioritization of Issues; Harmonized the unbundled Issues; Conducted public participation and stakeholder engagements in line with the requirements of Article 10 of the Constitution; and Examined and analyzed the memoranda that were received from the public and stakeholder submissions;

FURTHER COGNIZANT that the Committee is presently in the process of considering the issues for negotiations and recommending appropriate constitutional, legal and policy reforms on each of the framed issues which are Electoral Justice and Related Matters: Outstanding Constitutional Matters: Fidelity to Political Parties/Coalitions and the law on multiparty democracy: Entrenching the National Government Constituencies Development Fund, National Government Affirmative Action Fund, and the Senate Oversight Fund into the Constitution and Establishment and Entrenchment of State Offices;

CONSCIOUS that the Resolution as passed by both Houses of Parliament, required the Committee to report to the Leadership of Kenya Kwanza and Azimio Coalitions within sixty (60) days, from 29th August 2023;

RECOGNIZING the need for the Committee to conclude the consideration of the issues for negotiations, the process of making the appropriate constitutional, legal and policy reforms on each of the issues as framed by the Committee and preparation of a Report for submission to the Leadership of Kenya Kwanza and Azimio Coalitions and thereafter, to Parliament;

NOW, THEREFORE, the Houses of Parliament **RESOLVE** to extend the mandate of the National Dialogue Committee by a further thirty (30) days from 28th October 2023 and consequently, the Committee shall be required to report to the Leadership of Kenya Kwanza and Azimio Coalitions, **on or before 26th November 2023 and after that submit its Report, to Parliament.**

10. ***THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)**

(Sen. Samson Cherarkey, MP)

(Second Reading)

11. **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.

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. MESSAGES

- i.) Message from the National Assembly on the passage of the Sugar Bill (National Assembly Bills No. 34 of 2023).
- ii.) Message from the National Assembly on the passage of the Facilities Improvement Financing Bill (Senate Bills No. 43 of 2023).
- iii.) Message from the National Assembly on the passage of the Primary Health Care Bill (Senate Bills No. 44 of 2023).

(The Speaker of the Senate)

2. QUESTIONS AND STATEMENTS

QUESTIONS

Question No. 018

The Senator for Turkana County (Sen. James Lomenen, MP) to ask the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs: -

- (a) What are the reasons for the Kenya Government's inaction in assisting and hastening the release of the pastoralists from Turkana County, who were arrested in Uganda and charged in court martials in Moroto District in Uganda, for crossing over in search of pasture during the recent drought experienced in the country?
- (b) When will the Government intervene to ensure the release of the pastoralists?

Question No. 019

Nominated Senator (Sen. George Mbugua, MP) to ask the Cabinet Secretary for Health: -

- (a) What measures has the Government taken to ensure that reproductive health services are accessible to Persons with Disabilities (PWDs) in compliance with Article 43 (a) of the Constitution?

- (b) Could the Cabinet Secretary provide a list of all the medical facilities equipped with disability-friendly infrastructure and, indicate the training programmes developed and resources deployed by the Government to medical practitioners to ensure they are adequately prepared to attend to PWDs?
- (c) What is the Government doing to also ensure that such services as occupational therapy, speech therapy and behavioural therapy, which are essential for children living with disabilities, are all covered by the National Health Insurance Fund (NHIF)?

Question No. 063

The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, CBS, MP) to ask the Cabinet Secretary for Health: -

- (a) Could the Cabinet Secretary disclose the initial cost of the project for the construction of Kakamega Teaching and Referral Hospital as was awarded by the County Government of Kakamega, state how much of that amount has been paid to the contractor so far and indicate the percentage of construction works undertaken so far?
- (b) What are the reasons behind the stalling of the project?
- (c) What measures will the Government take to secure the construction site and put an end to the ongoing vandalism and theft of construction materials and equipment?
- (d) What is the Government doing to execute the Presidential Directive that the National Government takes over the stalled project?

Question No. 041

The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Public Service, Performance and Delivery Management: -

- (a) What criteria is used by the Ministry to categorize and gazette areas as hardship zones in the country, and could the Cabinet Secretary state why Mwea Constituency in Kirinyaga County has not been gazetted as a hardship zone, considering the adverse conditions in most parts of the constituency?

- (b) When does the Ministry intend to classify Mwea Constituency as a hardship area in order to compensate public servants who serve in the region under adverse conditions?

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NOTICE PAPER

Tentative Business for

Wednesday, October 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 Wednesday, October 18, 2023 (Afternoon Sitting)

A. BILLS AT THE SECOND READING STAGE

- i.) *THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)
(Sen. Beatrice Ogolla, MP)
- ii.) *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)
- iii.) *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)
(Sen. James Kamau Murango, MP)

B. BILLS AT THE COMMITTEE OF THE WHOLE

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

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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)
