



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

THURSDAY, JUNE 08, 2023 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. ***THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)**
(Sen. Samson Cherarkey, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 6th June, 2023)

(Mover to Reply)

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

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 3rd May, 2023 –
Afternoon Sitting)***

10. ****THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 16 OF 2023)**
(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

...../Bills

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

(Sen. Enoch Wambua, MP)

(Second Reading)

12. ***THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)**

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

(Second Reading)

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

(Sen. James Murango, MP)

(Second Reading)

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

(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

15. **MOTION – STATE OF MENTAL HEALTH OF POLICE OFFICERS**

(Sen. Hamida Kibwana, MP)

AWARE THAT, police officers are usually first responders and are often exposed to traumatic scenes and chronic stressors such as, dangerous situations, injuries and violence coupled with the need to report and testify about psychologically stressful scenes;

COGNIZANT OF, a survey done by the National Police Service Commission in 2022 which indicated that at least 12 to 13 percent of the 110,000 police officers have mental health challenges stemming from work related issues;

CONCERNED THAT, there has been a recent spike of incidents involving police officers, including murder and suicide which have been linked to the state of mental wellbeing;

NOW THEREFORE, the Senate urges the National Government and the National Police Service through the Ministry of Interior and National Administration to –

1. declare the current mental health situation within the police service a national emergency;
2. urgently establish a specialized facility to cater for police officers with mental illness;

...../Motion

3. develop and implement policies to reduce the stigma surrounding mental health issues within law enforcement agencies and encourage officers to seek help when needed; and
4. prioritise mental health as a priority health and socio-economic agenda within the Police Service and that in cases of deployment and transfers the service considers the health of the affected officers.

***(Resumption of debate interrupted on Wednesday, 31st May, 2023
(Morning Sitting) – Balance of time - 1hr 29mins)***

16. MOTION - COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES 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 that the Ministry of Foreign Affairs:

- (i) Advances friendship and co-operation between the United States 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; and

...../Motion

- (ii) Partners with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

*(Resumption of debate interrupted on Tuesday, 2nd May, 2023 –
Balance of time – 1hr 46mins)*

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

THAT AWARE THAT, cattle rustling is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT; the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling to:
 - (i) Investigate the causes of the rampant cattle rustling in the said region and the Country at large;
 - (ii) Establishes extent of loss and damage the cattle rustling has occasioned to the communities in all the affected Counties;
3. Create a special fund for mitigating the losses suffered by and in compensating all victims of cattle rustling and settle all internally displaced persons occasioned by the menace.

...../Motion

18. MOTION – REGULATION OF ELECTRONIC CIGARETTES IN KENYA

(Sen. Catherine Mumma, MP)

THAT, AWARE THAT Section 68 (1) (b) of the Health Act, 2017 provides for interventions by the national government to reduce the use of tobacco and other addictive substances and to counter exposure of children and others to tobacco smoke, and Section 32 of the Tobacco Control Act, 2007 provides for the right of every person to a smoke free environment including the protection from exposure to second-hand smoke;

CONCERNED THAT, while the Tobacco Control Act, defines key terms and covers topics including, but not limited to, restrictions on public smoking, tobacco advertising, promotion and sponsorship, and packaging and labelling of tobacco products, Section 2 of the Act does not contemplate non tobacco products and therefore lacks restrictions on the use, advertising, promotion and sponsorship, or packaging and labelling of synthetic nicotine in the form of e-cigarettes resulting in the increase in popularity and consumption of e-cigarettes among the youth including minor children;

NOW THEREFORE, the Senate resolves that the Ministry of Health should urgently convene an all-inclusive stakeholder forum to:

1. Develop a national policy regulating e-cigarettes and all related elements, including vape pens, e-liquids, flavors and their marketing and advertising in mainstream media as well as social media; and
2. Establish rules to govern the production, sale, advertising and consumption of synthetic nicotine, and control the illicit trade of counterfeit products.

19. MOTION - REPORT OF THE 61ST SESSION OF THE ORGANISATION OF AFRICAN, CARRIBEAN AND PACIFIC STATES (OACPS) PARLIAMENTARY ASSEMBLY AND THE 42ND SESSION OF THE OACPS -EU JOINT PARLIAMENTARY ASSEMBLY HELD IN MAPUTO, MOZAMBIQUE ON 23RD OCTOBER TO 2ND NOVEMBER, 2022

(Sen. Tabitha Mutinda, MP)

THAT, the Senate notes the Report of the 61st Session of the Organisation of African, Carribean and Pacific States (OACPS) Parliamentary Assembly and the 42nd Session of the OACPS -EU Joint Parliamentary Assembly held in Maputo, Mozambique on 23rd October to 2nd November, 2022.

20. **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 - RECORD OF THE PROCEEDINGS OF THE FIRST ORDINARY SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT (PAP) HELD IN GALLAGHER CONVENTION CENTRE, MIDRAND, SOUTH AFRICA ON 23RD OCTOBER – 12TH NOVEMBER, 2022.**

(Sen. Danson Mungatana, MP)

THAT, the Senate notes the Record of the Proceedings of the First Ordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP) held in Gallagher Convention Centre, Midrand, South Africa on 23rd October – 12th November, 2022 laid on the Table of the Senate on Thursday, 16th February, 2023.

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. PAPERS

- i.) Report of the Auditor General on the Financial Statements of Makueni County State and Public Officers Car and Mortgage Loan Fund for the year ended 30th June, 2022.
- ii.) Report of the Auditor General on the Financial Statements of Machakos County Assembly (Housing and Car Loan Scheme) Fund for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on the Financial Statements of the County Government of Nyamira – County Revenue Fund for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on the Financial Statements of the County Government of Nyamira – Receiver of Revenue – Revenue Statements for the year ended 30th June, 2022.

(The Senate Majority Leader)

2. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 53(1)

- (i) Nominated Senator (Sen. Crystal Asige, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the enforcement of five per cent (5%) employment quota for Persons with Disabilities (PWDs) in the public sector recruitment.
- (ii) Nominated Senator (Sen. George Mbugua, MP) to seek a statement from the Standing Committee on Education regarding the status of funding for special needs schools in the counties.
- (iii) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding rent anomalies upon implementation of the waiver of rent arrears in Woodley and Mariakani estates in Nairobi.
- (i) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the lifting of the ban on logging in public and community forests in Kenya.

...../Appendix

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, 13th June, 2023.

NOTICE PAPER

Tentative Business for

Tuesday, June 13, 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 13, 2023.

A. BILLS AT THE SECOND STAGE

- i.) *THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO.9 OF 2022)
(Sen. Mariam Sheikh Omar, MP)
- ii.) *THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 10 OF 2022)
(Sen. Edwin Sifuna, MP)
- iii.) *THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)
(Sen. Maureen Tabitha Mutinda, MP)
- iv.) *THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)
(Sen. Crystal Asige, MP)
- v.) THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)
(Sen. Wakili Hillary Sigei, MP)
- vi.) *THE KONZA TECHNOPOLIS BILL (SENATE BILLS NO. 2 OF 2023)
(Sen. Gloria Orwoba, MP)
- vii.) *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)
(Sen. Moses Kajwang' MP)

B. MOTIONS

- i.) ACCELERATING THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOALS (SDGs)
(Sen. Catherine Mumma, MP)
 - ii.) INCORPORATION OF INTELLIGENT WATER MANAGEMENT SYSTEMS IN BUILDING PLANS FOR SUSTAINABLE LIVING
(Sen. Wahome Wamatinga, MP)
 - iii.) REVIEW OF THE MINIMUM WAGE NECESSITATED BY HIGH COST OF LIVING
(Sen. Karen Nyamu, MP)
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