



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (SECOND SESSION)

THE SENATE

SUPPLEMENTARY ORDER PAPER

TUESDAY, JUNE 27, 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 (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **MOTION - ALTERATION OF THE SENATE CALENDAR**
(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023 and 29th March, 2023 (approval of the Senate Calendar), pursuant to Standing Order 32 (4), the Senate resolves to alter its Calendar (Regular Sessions), for the Second Session, 2023, in respect to Part IV, to resume from the recess period on Tuesday, 18th July, 2023, and that the Senate Calendar (Regular Sessions) for the Second Session, 2023, be altered accordingly.

9. ******THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (SENATE BILLS NO. 22 OF 2023)**
(The Senate Majority Leader)
- (First Reading)*
10. ***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)*

- 11. **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)*

- 12. **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)*

- 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 COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)**
(Sen. Mariam Sheikh Omar, MP)
(Second Reading)

- 15. ***THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)**
(Sen. Crystal Asige, MP)
(Second Reading)

- 16. ***THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**
(Sen. Wakili Hillary Sigei, MP)
(Second Reading)

- 17. ***THE KONZA TECHNOPOLIS BILL (SENATE BILLS NO. 2 OF 2023)**
(Sen. Gloria Orwoba, MP)
(Second Reading)

18. *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)

(Sen. Moses Kajwang' MP)

(Second Reading)

19. 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)

...../Motions

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;

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.

21. **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;

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.

22. **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
- 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.

23. **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;

...../Motions

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

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.

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. PAPERS

- i.) Report of the Auditor-General on the financial statements of Tana Water and Sanitation Company Limited for the year ended 30th June, 2021.
- ii.) Report of the Auditor-General on the financial statements of Tana Water and Sanitation Company Limited for the year ended 30th June, 2022.
- iii.) Report of the Auditor-General on the financial statements of Garissa Water and Sewerage Company Limited for the year ended 30th June, 2022.
- iv.) Report of the Auditor-General on the financial statements of Kabianga Tea Farm for the year ended 30th June, 2022.
- v.) Report of the Auditor-General on the financial statements of Kericho County Assembly Staff Car and Mortgage Scheme Fund for the year ended 30th June, 2022.
- vi.) Report of the Auditor-General on the financial statements of Kericho Water and Sanitation Company Limited for the year ended 30th June, 2022.
- vii.) Report of the Auditor-General on the financial statements of Elwak Water and Sewerage Company Limited for the year ended 30th June, 2022.
- viii.) Report of the Auditor-General on the financial statements of Siaya County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2022.
- ix.) Report of the Auditor-General on the financial statements of Siaya County Alcoholic Drinks Control Fund for the year ended 30th June, 2022.
- x.) Report of the Auditor-General on the financial statements of Vihiga Municipal for the year ended 30th June, 2022.
- xi.) Report of the Auditor-General on the financial statements of Chemelil Sugar Company Limited for the year ended 30th June, 2022.

- xii.) Report of the Auditor-General on the financial statements of Special Municipality of Mwatate Fund/Board for the year ended 30th June, 2022.
- xiii.) Report of the Auditor-General on the financial statements of the Turkana County Executive State and Public Officers Car Loan and Mortgage Fund for the year ended 30th June, 2022.
- xiv.) Report of the Auditor-General on the financial statements of the Turkana County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.
- xv.) Report of the Auditor-General on the financial statements of the Trans Nzoia County Youth and Women Development Fund for the year ended 30th June, 2022.

(The Senate Majority Leader)

2. NOTICE OF MOTION – ALTERATION OF THE SENATE CALENDAR

(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023 and 29th March, 2023 (approval of the Senate Calendar), pursuant to Standing Order 32 (4), the Senate resolves to alter its Calendar (Regular Sessions), for the Second Session, 2023, in respect to Part IV, to resume from the recess period on Tuesday, 18th July, 2023, and that the Senate Calendar (Regular Sessions) for the Second Session, 2023, be altered accordingly.

3. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 53(1)

- (i) The Senator for Kirinyaga County (Sen. James Murango, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the unprocedural reduction of the salaries of Early Childhood Development Education (ECDE) teachers in Kirinyaga County.
- (ii) The Senator for Nyamira County (Sen. Okongo Mogeni, SC, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing concerning the state of roads in Nyamira County.

- (iii) The Senator for Nyamira County (Sen. Okongo Mogeni, SC, MP) to seek a statement from the Standing Committee on Labour and Social Welfare on concerning the delayed payment of monies to the elderly under the Older Persons Cash Transfer (OPCT) programme.
- (iv) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Finance and Budget concerning the status of the release of funds for the construction of Taita Taveta County headquarters.
- (v) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights on pending bills occasioned by the Senatorial by-election in Bungoma County.
- (vi) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a statement from the Standing Committee on National Security, Defense and Foreign Relations regarding reported cases on insecurity in Bungoma County.
- (vii) Nominated Senator (Sen. Shakila Abdalla, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the state of affairs at Witu Nyangoro ranch in Lamu County.
- (viii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the suspension of the use of ledger accounts by the Kenya Ports Authority (KPA).
- (ix) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding incomplete national government roads in Embu County.
- (x) The Senator for Lamu County (Sen. Joseph Kamau, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on the alleged encroachment of land in Lamu County.
- (xi) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on Labour and Social Welfare concerning the human resource gaps in the County Government of Kisumu.

- (xii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism regarding the state of co-operative societies in Kisumu County.

- (xiii) Seneta wa Kilifi (Sen. Justice (Rtd) Stewart Madzayo, MP) kuomba kauli kutoka kwa Kamati ya Kudumu ya Usalama wa Taifa, Ulinzi na Uhusiano wa Kimataifa kuhusu polisi kutumia nguvu kupita kiasi dhidi ya wanahabari wakati wa maandamano.

NOTICE PAPER

Tentative Business for

Thursday, June 29, 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 Thursday, June 29, 2023.

A. BILL AT 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)

B. BILLS AT THE SECOND READING STAGE

- i.) *THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)
(Sen. Crystal Asige, MP)
- ii.) *THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)
(The Chairperson, Standing Committee on Labour and Social Welfare)
- iii.) *THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)
- iv.) **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)
(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
- v.) *THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)
(Sen. Samson Cherarkey, MP)

C. 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)

...../Notice Paper

- iii.) DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES
(Sen. Crystal Asige, MP)

- iv.) DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA
(Sen. Catherine Mumma, MP)

- v.) ADJOURNMENT OF THE SENATE
(The Senate Majority Leader)
