



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

THURSDAY, FEBRUARY 16, 2023 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. ***THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**
(Sen. Wakili Hillary Sigei, MP)
(First Reading)
9. ***THE KONZA TECHNOPOLIS BILL (SENATE BILLS NO. 2 OF 2023)**
(Sen. Gloria Orwoba, MP)
(First Reading)
10. ***THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)**
(Sen. Mariam Sheikh Omar, MP)
(First Reading)
11. ***THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)**
(Sen. Mariam Sheikh Omar, MP)
(First Reading)

12. ***THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 10 OF 2022)**

(Sen. Edwine Sifuna, MP)

(First Reading)

13. ***THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)**

(Sen. Samson Cherarkey, MP)

(First Reading)

14. ***THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)**

(Sen. Moses Kajwang', MP)

(Second Reading)

15. **MOTION - APPROVAL OF THE SENATE CALENDAR FOR THE SECOND SESSION OF THE THIRTEENTH PARLIAMENT**

(The Senate Majority Leader)

THAT, pursuant to Standing Order 32 (1), the Senate approves the Calendar (Regular Sessions) for the Second Session of the Thirteenth Parliament (February to December, 2023), laid on the Table of the Senate on Wednesday, 15th February, 2023.

16. **MOTION - APPROVAL OF SEN. DAVID WAFULA WAKOLI, MP TO SERVE IN THE COMMITTEE OF POWERS AND PRIVILEGES**

(The Senate Majority Leader)

THAT, NOTWITHSTANDING the resolution of the Senate made on 13th October, 2022 and 15th November, 2022, on the approval of Senators to serve in Select Committees of the Senate, and pursuant to Section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Orders 197 and 199, the Senate approves Sen. David Wakoli Wafula, MP to serve in the Committee of Powers and Privileges in place of Sen. Miraj Abdulahi, MP.

17. **MOTION - APPROVAL OF CHANGES IN THE MEMBERSHIP OF STANDING COMMITTEES**

(The Senate Majority Leader)

THAT, NOTWITHSTANDING, the resolutions of the Senate made on 13th October, 2022 and 15th November, 2022, on the approval of Senators to serve in Select Committees of the Senate, and pursuant to Standing Orders 199, 228, and the Fourth Schedule to the Standing Orders, the Senate approves the Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows –

...../Motion

- i.) Standing Committee on Agriculture, Livestock and Fisheries
Sen. David Wafula Wakoli, MP to replace Sen. Maureen Tabitha Mutinda, MP.
- ii.) Standing Committee on Devolution and Intergovernmental Relations
Sen. David Wafula Wakoli, MP to replace Sen. Esther Okenyuri, MP.
- iii.) Standing Committee on Energy
Sen. William Kisang’ Kipkemoi, MP to replace Sen. Veronica W. Maina, MP.
- iv.) Standing Committee on Information, Communication and Technology –
Sen. William Kisang’ Kipkemoi, MP to replace Sen. Gloria Magoma Orwoba, MP.
- v.) Standing Committee on Justice, Legal Affairs and Human Rights
Sen. Karen Njeri Nyamu, MP to replace Sen. Samson Kiprotich Cherarkey, MP.
- vi.) Standing Committee on Labour and Social Welfare
Sen. Gloria Magoma Orwoba, MP to replace Sen. Karen Njeri Nyamu, MP.
- vii.) Standing Committee on Trade, Industrialization and Tourism
Sen. (Dr.) Lelegwe Ltumbesi, MP and Sen. Esther Okenyuri, MP, to replace Sen. Danson Mungatana, MP and Sen. Tabitha Karanja Keroche, MP.

18. **MOTION - APPROVAL OF SEN. WILLIAM KISANG’ KIPKEMOI, MP TO SERVE IN THE SELECT COMMITTEE OF COUNTY PUBLIC INVESTMENTS & SPECIAL FUNDS**

(The Senate Majority Leader)

THAT, NOTWITHSTANDING the resolutions of the Senate made on 19th October, 2022 and 15th November, 2022, on the approval of Senators to serve in Select Committees of the Senate and pursuant to Standing Orders 194, 197 and 199 of the Senate, the Senate approves Sen. William Kisang Kipkemoi, MP to serve in the County Public Investments and Special Funds Committee, in place of Sen. James Kamau Murango, MP.

19. **MOTION – PROVISION OF FREE SANITARY TOWELS TO END PERIOD POVERTY**

(Sen. Gloria Orwoba, MP)

THAT, AWARE THAT period poverty refers to the common challenge plaguing women globally wherein they are unable to attend schools or work as a cause of a lack of funds for sanitary products that is both a health risk and a signal of gender inequity;

...../Motion

FURTHER AWARE THAT in rural Kenya, 2 out of 3 pad users receive pads from sexual partners and 65 percent of women and girls can't afford sanitary pads, forcing them to use alternative materials like grass, cotton wool and cloth which lack adequate absorbent qualities resulting in frequent leakage and hygiene issues;

CONCERNED THAT period poverty also referred to as the "shadow pandemic" contributes to global and regional gender inequity, as women are forced to solicit help from men in order to satisfy a basic health need with 10% of 15-year-old girls having sex to pay for sanitary products;

FURTHER CONCERNED THAT, data from the Ministry of Education indicates that a girl that is absent from school for four days a month loses 13 learning days, equivalent to two weeks of learning in every school term, translating to 39 learning days or six weeks of learning time in a term and up to 18 of 108 weeks in primary and 24 weeks of 144 weeks of learning in secondary school;

NOTING THAT, while the Government, through the State Department for Gender Affairs was charged with the responsibility of procuring and distributing sanitary towels for 3.7 million girls in public primary schools, special primary and secondary schools in the country at a cost of Kshs. 470 million during the 2017/2018 Financial year, which amount needs to be increased in order to fully address and mitigate the problem;

NOW THEREFORE, the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action in partnership with the Ministry of Education and the Council of Governors to:-

1. facilitate provision of feminine hygiene products in all public schools;
2. ensure that all schools that don't have bathrooms that facilitate privacy, cleanliness or proper disposal of hygiene products are properly equipped;
3. create awareness and take advocacy measures on reproductive health issues related to period poverty;
4. include in the curriculum a dedicated lesson per week to teach girls on menstrual hygiene; and
5. ensure that sanitary products will be obtainable timely, consistently, and in a way that respects the dignity of concerned persons.

...../Motion

20. **MOTION – INSTITUTION OF MEASURES TO CURB INCESSANT HIGH ELECTRICITY COSTS IN KENYA**

(Sen. Mohamed Chute, MP)

THAT, AWARE THAT energy is an essential factor of production and its total consumption is a major determinant of performance of the economy with its cost and reliability spurring or stifling economic growth;

FURTHER AWARE THAT there has been a significant growth in the demand for electricity in Kenya driven by economic growth and increased efforts towards rural electrification while the supply has been constrained due to, among other factors, the overreliance on hydro-electric power generating plants that have been negatively impacted by perennial drought experienced in the country;

NOTING THAT the imbalance in the demand and supply of power coupled with payments by the Kenya Power and Lighting Company (KPLC) for produced power not consumed and fluctuation in the foreign exchange rates contribute to the high cost of electricity;

APPRECIATING THAT Kenya has made strides in diversifying its power sources with geothermal plants, offering tremendous potential for zero-carbon source of power, already producing nearly one (1) Gigawatt (GW) of power;

CONCERNED THAT private power generating companies popularly referred to as Independent Power Producers (IPPs) only supply 28% of power to KPLC but account for 47% of power purchase costs calling for the need to enhance energy management in Kenya;

NOW THEREFORE the Senate resolves that the:

a) Standing Committee on Energy to undertake an inquiry into: -

- i. Contracts signed by IPPs, detailing the cost, capacity and duration of the contractual agreements and their implications on affordability of electricity in the country;
- ii. Discrepancy in the cost of electricity sold to Kenya Power by KenGen, imports from Ethiopia and IPPs; and
- iii. The diversion of the electricity generated by Lake Turkana Wind Power to the national grid, bypassing the inadequately supplied northern frontier counties of Marsabit and Samburu.

...../Motion

b) Ministry of Energy to come up with a policy framework aimed at:-

- i. Lowering the cost of electricity as a way of addressing the high cost of living; and
- ii. Enhancing clean energy by switching to renewable sources of energy such as geothermal power, wind energy, among others as a way of reducing the carbon footprint.

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KEY

******- Denotes a Majority /Minority Party Bill**

*****- Denotes a National Assembly Bill**

**** - Denotes a Committee Bill**

***- Denotes any other Bill**

1. MESSAGE

Message by the Speaker of County Assembly of Nyandarua on a Resolution by the County Assembly on a Motion petitioning the Senate regarding the review and agreements amongst respective water service providers on the exploitation of water under the Sasumua and Kenoike dams.

(The Speaker of the Senate)

2. PAPERS

- i.) The Annual Report and Financial Statements of the Power of Mercy Advisory Committee for the financial year 2021/2022.
- ii.) The Annual Report and Financial Statements of the National Police Service Commission (NPSC) for the financial year 2021/2022.
- iii.) The Commission on Revenue Allocation (CRA) Second Commissioners' End Term Report for the period January 2017 – December, 2022.
- iv.) Report of the Auditor General on Garissa County Scholarship Fund for the year ended 30th June, 2022.
- v.) Report of the Auditor General on County Assembly of Nyeri Car Loan and Mortgage (Members) Scheme Fund for the year ended 30th June, 2022.
- vi.) Report of the Auditor General on County Assembly of Nyeri Car Loan and Mortgage (Staff) Scheme Fund for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on Kiambu County Assembly Staff Loan Scheme Fund for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on County Assembly of Kirinyaga Mortgage (Members) Scheme Fund for the year ended 30th June, 2022.
- ix.) Report of the Auditor General on County Assembly of Murangá Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.
- x.) Report of the Auditor General on Kakamega County Alcoholic Drinks Control Fund for the year ended 30th June, 2022.

(The Senate Majority Leader)

...../Appendix

- xi.) 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. (Prof.) Margaret Kamar , MP)

3. NOTICE OF MOTION - ENHANCING HIGHWAY SAFETY AND CONVENIENCE

(Sen. Wahome Wamatinga, MP and Sen. Mohamed Faki, MP)

THAT, AWARE THAT 67% of road crash fatalities and injuries in the country comprise of the economically productive age groups of 15 - 64 years, and that the importance of good post-crash care reduces deaths and disability and the suffering for road crash survivors creates the urgent need for effective emergency medical care system elements and processes on our highways;

FURTHER AWARE THAT lives and properties are lost or irreparably damaged daily on major highways in the country due to accidents and explosion of fuel tankers, and the lack of accessible roadside amenities such as medical clinics, rescue centers, fire engines and ambulances hamper efforts to mitigate the carnage caused by the accidents, rescue lives and put out fires;

COGNIZANT THAT setting up safe stopping points for road users at regular intervals with the necessary road-side amenities such as fuel stations, parking spaces, restaurants, telephone booths, minor repair shops, medical facilities, and toilets enhances total travel experience and the lack of these points make it impractical for drivers to stop as often as they would wish to resulting into driving-related fatigue, a significant contributor to accidents on the highways;

FURTHER COGNIZANT THAT provision of amenities such as ambulances, firetrucks and satellite medical clinics to provide emergency services to road accident victims would save lives lost daily on major roads;

ACKNOWLEDGING THAT governments across the world such as France and Germany have taken on the task of setting up such amenities through incorporation of the basic provisions in their road transport infrastructure through different models of Public Private Partnership (PPP), lease, or ownership;

NOW THEREFORE the Senate resolves that: -

- i) The Kenya National Highway Authority, in collaboration with the Council of Governors to come up with a policy framework on the incorporation of road reserves for road-side amenities in all highway designs;
- ii) The Ministries of Health, Roads, Transport and Public Works in conjunction with the Council of Governors to undertake a survey to ascertain the specific amenities required but not available on the existing highways such as satellite medical clinics, firetrucks and ambulances, and identify the most convenient locations to develop them; and
- iii) The Ministry of Roads and Transport in conjunction with the Council of Governors to develop Public Private Partnership guideline on leasing of the road reserves to developers, financing the construction of the amenities, and the packaging of incentives to attract investors.

4. STATEMENTS

a) Pursuant to Standing Order 53(1)

- i.) The Senator for Nyeri County (Sen. Wahome Wamatinga, MP) to seek a statement from the Standing Committee on Education regarding the form one intake in the country.
- ii.) The Senator for Kisumu County (Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding disaster management preparedness in Kisumu county.
- iii.) The Senator for Kisumu County (Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the invasion of the Ahero Rice fields by Quelea birds in Kisumu county.
- iv.) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a statement from the Standing Committee on Education concerning reversal of delocalization policy in Embu by the Teachers Service Commission (TSC).

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, 21st February, 2023.

NOTICE PAPER

Tentative Business for

Tuesday, February 21, 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, February 21, 2023.

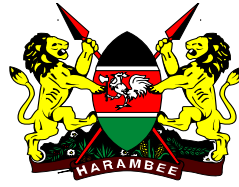
1. BILLS AT THE SECOND READING STAGE

i.) *The Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022)
(Sen. Danson Mungatana, MP)

ii.) *The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022)
(Sen. Danson Mungatana, MP)



REPUBLIC OF KENYA



THE SENATE

(THIRTEENTH PARLIAMENT - SECOND SESSION)

CALENDAR

(Regular Sessions of the Senate – February to December, 2023)

IT IS NOTIFIED for general information that pursuant to Standing Order 32 of the Senate Standing Orders, by a Resolution made on, the Senate approved its Calendar (Regular Sessions) for the Second Session, 2023 as set out in the Schedule.

SCHEDULE

SITTING DATES	SITTING DAYS	RECESS DATES
Second Session : Part I		
14 th February, 2023 to 30 th March, 2023	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	31 st March, 2023 to 10 th April, 2023
Second Session : Part II		
11 th April, 2023 to 4 th May, 2023	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	5 th May, 2023 to 22 nd May, 2023
Second Session : Part III		
23 rd May, 2023 to 29 th June, 2023	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	30 th June, 2023 to 10 th July, 2023
Second Session : Part IV		
11 th July, 2023 to 10 th August, 2023	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	11 th August, 2023 to 4 th September, 2023
Second Session : Part V		
5 th September, 2023 to 19 th October, 2023	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	20 th October, 2023 to 30 th October, 2023
Second Session : Part VI		
31 st October, 2023 to 7 th December, 2023	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	8 th December, 2023 to 12 th February, 2024

NOTE:

- i) The Senate shall sit from 2.30 p.m. to 6.30 p.m. pursuant to standing order 34 of the Senate Standing Orders.
- ii) Special Sitings shall be notified through *Kenya Gazette* notices, as per standing order 33 of the Senate Standing Orders.
- iii) Annual suspension of Committee Sitings - 15th December 2023 to 26th January, 2024.

J. M. NYEGENYE, CBS.
CLERK OF THE SENATE

