



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

WEDNESDAY, FEBRUARY 15, 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. Statements (as listed in the Appendix)
8. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTIONS**
(The Senate Majority Leader)

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 further that fifteen minutes before the time expires, the Mover shall be called upon to reply.

9. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON ADJOURNMENT MOTION**
(The Senate Majority Leader)

THAT, notwithstanding the provisions of Standing Order 111(4), the debate on any Motion for the adjournment of the Senate to a day other than

...../**Motion**

the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours, with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

10. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTION ON THE ADDRESS BY THE PRESIDENT**

(The Senate Majority Leader)

THAT, pursuant to Standing Order 27 (6), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

11. ***THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)**

(Sen. Maureen Tabitha Mutinda, MP)

(First Reading)

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

(Sen. Enoch Wambua, MP)

(First Reading)

13. ***THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)**

(Sen. Crystal Kegehi Asige, MP)

(First Reading)

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

(Sen. Moses Kajwang', MP)

(Second Reading)

15. ***THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 5 OF 2022)**

(Sen. Danson Mungatana, MP)

(Second Reading)

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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. PETITIONS

- i. Petition to the Senate by Mr. Kimutai Kirui and residents of Uasin Gishu concerning alleged fraud by the First Choice Recruitment and Consultancy Agency.

(The Speaker of the Senate)

- ii. Petition to the Senate by Mr. James Gakonga and residents of Lamu, Baringo, Nairobi City and Kiambu counties concerning Linda Soka- tapping into Kshs.302 billion football fund.

(Sen. Joseph Githuku Kamau, MP)

2. PAPERS

- i. The East African Legislative Assembly Annual Legislative Calendar for financial year 2022/2023 (January – June, 2023).
- ii. The Budget Review and Outlook Paper for financial year 2023/2024 and Medium-Term Budget.
- iii. The Commission on Revenue Allocation (CRA) recommendation on the County Governments’ Recurrent Expenditure Budget Ceilings for County Assemblies and County Executives for financial year 2023/2024.
- iv. The Commission on Revenue Allocation (CRA) recommendation on the Basis for Equitable Sharing of Revenue between the National and County Governments for financial year 2023/2024.
- v. Report of the Controller of Budget (CoB) on the County Government Budget Implementation Review for the first quarter of financial year 2022/2023.
- vi. Report of the Controller of Budget (CoB) on the Annual County Government Budget Implementation review for Financial Year 2021/2022.
- vii. Report of the Controller of Budget (CoB) on the National Government Budget Implementation Review for the first quarter of financial year 2022/2023.
- viii. Report of the Controller of Budget (CoB) on the Annual National Government Budget Implementation Review for Financial Year 2021/2022.

- ix. Bi-annual Report of the Commission on Administrative Justice (CAJ) for the period January to June, 2022.
- x. Report of the Commission on Administrative Justice (CAJ) on Elections Monitoring and Observation, 2022.
- xi. The Annual Corporate Report of the Auditor General for financial year 2021/2022.
- xii. Report of the Public Service Commission (PSC) on the Status of Compliance with the Values and Principles in Articles 10 and 232 of the Constitution for financial year 2021/2022.
- xiii. Report of the Auditor General on the Kakamega County Small Scale Development Fund for the year ended 30th June, 2022.
- xiv. The Senate Calendar for the Second Session of the Thirteenth Parliament.
(The Senate Majority Leader)
- xv. Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the consideration of the Parliamentary Powers and Privileges (Amendment) Bill, (Senate Bills No. 5 of 2022)
(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

3. NOTICES OF MOTION

- i.) **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.

- ii.) **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.

iii.) **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 –

- (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 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.

- iv.) **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.

- v.) **FREE SANITARY TOWELS ENDING 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;

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.

vi.) **INESSANT 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.

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.

vii.) **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 52(1)

Nominated Senator (Sen. Mariam Omar Sheikh, MP) to make a statement concerning the manner in which public education institutions are restricting Muslim girls from wearing the *hijab*.

b) 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.

NOTICE PAPER

Tentative Business for

Thursday, February 16, 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, February 16, 2023.

1. MOTION

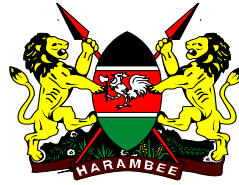
- i.) Approval of the Senate Calendar for the Second Session of the Thirteenth Parliament
(The Senate Majority Leader)
- ii.) Approval of Sen. David Wafula Wakoli, MP to Serve in the Committee of Powers and Privileges
(The Senate Majority Leader)
- iii.) Approval of Changes in the Membership of Standing Committees
(The Senate Majority Leader)
- iv.) Approval of Sen. William Kisang’ Kipkemoi, MP to serve in the Select Committee of County Public Investments and Special Funds
(The Senate Majority Leader)

2. 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 Sittings shall be notified through *Kenya Gazette* notices, as per standing order 33 of the Senate Standing Orders.
- iii) Annual suspension of Committee Sittings - 15th December 2023 to 26th January, 2024.

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

