



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

TUESDAY, MARCH 07, 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. ****THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 3 OF 2023)**
(The Chairperson, Standing Committee on Finance and Budget)
(First Reading)
9. ***THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)**
(Sen. Margaret Kamar, MP and Sen. Crystal Asige, MP)
(First Reading)
10. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2023 BUDGET POLICY STATEMENT**
(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2023 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 28th February, 2023, and pursuant to Section 25 (7) of

...../Motion

the Public Finance Management Act and Standing Order 186 (7) of the Senate, approves the 2023 Budget Policy Statement.

*(Resumption of debate interrupted on Tuesday 28th February, 2023)
(Division)*

11. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE ON THE 2023 MEDIUM TERM DEBT MANAGEMENT STRATEGY**

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2023 Medium Term Debt Management Strategy, laid on the Table of the Senate on Tuesday, 28th February, 2023.

*(Resumption of debate interrupted on Wednesday 1st March, 2023)
(Division)*

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

(Sen. Danson Mungatana, MP)

(Second Reading)

*(Resumption of Debate interrupted on Thursday, 23rd February, 2023)
(Division)*

13. ***THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)**

(Sen. Danson Mungatana, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday 2nd March, 2023)

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

(Sen. Moses Kajwang', MP)

(Second Reading)

15. **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.

***(Resumption of debate interrupted on Tuesday 28th February, 2023
- Balance of time - 2hrs 41mins)***

...../Motion

16. **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.

17. 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 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;

...../Motion

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.

...../Notice

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 further 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.) Annual Performance Report for the Ministry of Defence for the financial year 2021/2022.
- ii.) Report of the Auditor General on the Financial Statements of County Executive of Nyeri for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on the Financial Statements of County Assembly of Nyeri for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on the Financial Statements of County Executive of Kirinyaga for the year ended 30th June, 2022.
- v.) Report of the Auditor General on the Financial Statements of County Assembly of Kirinyaga for the year ended 30th June, 2022.
- vi.) Report of the Auditor General on the Financial Statements of County Executive of Murang'a for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on the Financial Statements of County Assembly of Murang'a for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on the Financial Statements of County Executive of Nyandarua for the year ended 30th June, 2022.
- ix.) Report of the Auditor General on the Financial Statements of County Assembly of Nyandarua for the year ended 30th June, 2022.

(The Senate Majority Leader)

- x.) Report of the Joint Sitzings of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly, on the nomination of Dr. Susan Jemtai Koech, for appointment to the position of Deputy Governor of the Central Bank of Kenya.

(The Chairperson, Standing Committee on Finance and Budget)

2. NOTICES OF MOTION

- i.) **ADOPTION OF THE REPORT OF THE JOINT SITTINGS OF THE STANDING COMMITTEE ON FINANCE AND BUDGET OF THE SENATE AND THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING OF THE NATIONAL ASSEMBLY, ON THE NOMINATION OF DR. SUSAN JEMTAI KOECH, FOR APPOINTMENT TO THE POSITION OF DEPUTY GOVERNOR OF THE CENTRAL BANK OF KENYA**

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Joint Sittings of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly, on the nomination of Dr. Susan Jemtai Koech, for appointment to the position of Deputy Governor of the Central Bank of Kenya laid on the Table of the Senate on Tuesday, 7th March, 2023; and pursuant to Section 13B (1) of the Central Bank of Kenya Act and Section 8 of the Public Appointments (Parliamentary Approval) Act, approves the nomination of Dr. Susan Jemtai Koech for appointment to the position of the Deputy Governor of the Central Bank of Kenya.

- ii.) **THE DOPING MENACE THREATENING KENYA’S IMPECCABLE GLOBAL REPUTATION IN ATHLETICS**

(Sen. Samson Cherarkey, MP)

THAT, AWARE THAT in 2018 Kenya was placed under Category A by the World Anti-Doping Agency and since then forty Kenyan athletes have been banned by either the Athletics Integrity Unit (AIU) or the Anti – Doping Agency of Kenya (ADAK) and has led to a situation whereby the Kenyan athletes have to undergo intense testing before participating in major events and has immensely affected the reputation of the Kenyan athletes and the standing of Kenya in the international Sports arena where it currently ranks at number five;

CONCERNED THAT, despite the high number of alleged doping cases, Kenya has only one World Anti- Doping Agency (WADA) approved blood testing laboratory forcing it to send urine tests to Qatar and South Africa for analysis and that the Anti- Doping Agency of Kenya (ADAK) is taking too long to address the doping menace which is likely to affect the state of preparedness for the athletes in the upcoming 2024 Olympic games in Paris;

NOW THEREFORE the Senate resolves that the Ministry of Youth, Sports and Arts:-

- a. Come up with modalities that can help achieve increased testing, intelligence gathering on athletes and doping awareness programmes;
- b. In collaboration with Athletics Kenya (AK) and National Olympic Committee of Kenya (NOCK) to vet all training camps, coaches, trainers and other athlete handlers;
- c. Initiate investigations at Anti – Doping Agency Kenya (ADAK) to identify and sanction all responsible officers liable for the menace of doping;
- d. In collaboration with the Directorate of Criminal Investigations and the Ethics and Anti – Corruption Commission finalize pending investigations and recommend prosecution of individuals involved in giving banned substance to athletes; and
- e. In collaboration with the Ministry of Health to identify and revoke licenses for medics, pharmacies and hospitals responsible for the prescription of the commonly abused drugs by the athletes.

3. STATEMENTS

a) Pursuant to Standing Order 52(1)

Nominated Senator (Sen. Veronica Maina, MP) to make a statement on the *‘International Women’s Day’*.

b) Pursuant to Standing Order 53(1)

- i.) Nominated Senator (Sen. Crystal Asige, MP) to seek a statement from the Standing Committee on Finance and Budget regarding Kenya Revenue Authority (KRA) directive to suspend tax reliefs.
- ii.) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a statement from the Standing Committee on Information, Communication and Technology concerning the routing of international gateway tariffs by mobile telecommunications firms and mobile service providers.
- iii.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding ownership status and adjudication of Kishamba B land in Voi Sub-county.

- iv.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the state of the Nut industry in Kenya.
- v.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Finance and Budget regarding the tax incentives available that support climate change programmes in Kenya.
- vi.) The Senator for Kirinyaga County (Sen. James Murango, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the status of investigations into the death of Kennedy Njoroge and Ndung'u Njoroge in Mwea Sub-County.

NOTICE PAPER

Tentative Business for

Wednesday, March 08, 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, March 08, 2023.

MOTIONS

- i.) DROUGHT MITIGATION PROGRAMME IN PUBLIC SCHOOLS
(Sen. Enoch Wambua, MP)

 - ii.) COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES EMBASSY IN NAIROBI
(Sen. Agnes Kavindu Muthama, MP)
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