



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**ORDER PAPER**

**WEDNESDAY, MARCH 08, 2023 AT 2.30 PM**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (As listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION - 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, 7<sup>th</sup> 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.

...../Motion

9. **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, 28<sup>th</sup> February, 2023, and pursuant to Section 25 (7) of 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 28<sup>th</sup> February, 2023)  
(Division)***

10. **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, 28<sup>th</sup> February, 2023.

***(Resumption of debate interrupted on Wednesday 1<sup>st</sup> March, 2023)  
(Division)***

11. **\*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, 23<sup>rd</sup> February, 2023)  
(Division)***

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

(Sen. Danson Mungatana, MP)

*(Second Reading)*

***(Resumption of debate interrupted on Tuesday 7<sup>th</sup> March, 2023)***

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

(Sen. Moses Kajwang', MP)

*(Second Reading)*

...../Motion

14. **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;

**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

...../Motion

- 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 28<sup>th</sup> February, 2023  
- Balance of time - 2hrs 41mins)***

**15. 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

...../Motion

- 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.

**16. 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.

17. **MOTION - DROUGHT MITIGATION PROGRAMME IN PUBLIC SCHOOLS**

(Sen. Enoch Wambua, MP)

**AWARE THAT**, Kenya is experiencing the most intense, severe and alarming drought in forty (40) years, as a result of the failure of four consecutive rainy seasons, affecting more than twenty (20) counties in arid and semi-arid lands (ASAL);

**FURTHER AWARE THAT**, more than 4.2 million people representing 24% of the ASAL population are facing high levels of acute food insecurity, with about 2.7 million in crisis phase and 785,000 people in emergency state;

**NOTING THAT**, the national and county governments, both local and international development partners and philanthropists have made attempts to respond to the dire situation occasioned by the severe drought;

**CONCERNED THAT**, thousands of children did not attend school during the third term of the academic year 2022 and beginning of 2023 as a result of the ongoing drought;

**NOW THEREFORE**, the Senate urges: -

- 1. the Ministry of East African Community (EAC), the ASALs and Regional Development to develop immediate and long-term interventions to alleviate the ravaging effects of drought and hunger periodically affecting the country and more severely the ASAL areas;

...../Motion

- 2. the Ministry of Education, in conjunction with the Council of Governors, to establish modalities to ensure no learners are sent away from schools due to lack of school fees to ensure that children from vulnerable families have access to education; and
- 3. the Ministry of Education, in conjunction with the Council of Governors to implement effective school feeding programmes to ensure that children from vulnerable families in drought-hit regions have access to at least one hot meal per day and that no child misses class due to lack of food.

18. **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
- (ii) Partners with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

**NOTICE**

The Senate resolved on 15<sup>th</sup> 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



**APPENDIX**

**1. PETITION**

Petition to the Senate by Mr. Philip K.A. Too, concerning delay in payment of pension to teachers who retired between 1997 and 2007.

*(The Speaker of the Senate)*

**2. PAPERS**

- i.) Report of the Auditor General on the Financial Statement of County Government of Bomet – County Revenue Fund for the year ended 30<sup>th</sup> June, 2022.
- ii.) Report of the Auditor General on the Financial Statement of Kitui County Executive for the year ended 30<sup>th</sup> June, 2022.
- iii.) Report of the Auditor General on the Financial Statement of Kitui County Assembly for the year ended 30<sup>th</sup> June, 2022.
- iv.) Report of the Auditor General on the Financial Statement of Makueni County Executive for the year ended 30<sup>th</sup> June, 2022.
- v.) Report of the Auditor General on the Financial Statement of Makueni County Assembly for the year ended 30<sup>th</sup> June, 2022.
- vi.) Report of the Auditor General on the Financial Statement of Makueni County State and Public Officers Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2022.
- vii.) Report of the Auditor General on the Financial Statement of Makueni County Emergency Fund for the year ended 30<sup>th</sup> June, 2022.
- viii.) Report of the Auditor General on the Financial Statement of Baringo County Executive for the year ended 30<sup>th</sup> June, 2022.
- ix.) Report of the Auditor General on the Financial Statement of Baringo County Assembly for the year ended 30<sup>th</sup> June, 2022.
- x.) Report of the Auditor General on the Financial Statement of Baringo County Assembly (Members) Car loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2022.
- xi.) Report of the Auditor General on the Financial Statement of Baringo County Assembly (Staff) Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2022.

xii.) Report of the Auditor General on the Financial Statement of Machakos County Executive for the Year ended 30<sup>th</sup> June, 2022.

*(The Senate Majority Leader)*

**3. NOTICE OF MOTION - APPROVAL OF SITTINGS OF THE SENATE OUTSIDE NAIROBI**

(The Senate Majority Leader)

**THAT, AWARE** that the Senate of Kenya is established by Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

**FURTHER AWARE** of the critical role that the Senate plays in the interlinkage between the National and County levels of government;

**COGNIZANT** of the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

**ACKNOWLEDGING** the success made during the sittings of the Senate outside Nairobi; held in Uasin Gishu and Kitui Counties in September, 2018 and in September, 2019, respectively;

**APPRECIATING** the recommendation of the Senate Business Committee that a Sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13<sup>th</sup> Parliament, with the objective to –

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and
- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

...../Appendix

**NOW THEREFORE**, pursuant to Article 126 (1) of the Constitution, the Senate resolves that its plenary and committee sittings be held in the counties for a one week period within the month of September in every Session of the 4<sup>th</sup> Senate, except during an election year; and further that a programme of sittings outside Parliament Buildings in Nairobi be drawn, to ensure that such sittings take place in different counties of the Republic.

**4. 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. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the steps taken to achieve Kenya’s greenhouse gas emission reduction targets as set out in the Nationally Determined Contributions (NDCs).
- ii.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Energy concerning the proposed energy tariffs applicable from the year 2022 to 2026.
- iii.) Nominated Senator (Sen. Crystal Asige, MP) to seek a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration regarding representation of Persons With Disabilities (PWDs) in the County Asemblies.
- iv.) 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.

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## **NOTICE PAPER**

### **Tentative Business for**

**Thursday, March 09, 2023**

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*(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, March 09, 2023.

### **MOTIONS**

- i) APPROVAL OF SITTINGS OF THE SENATE OUTSIDE NAIROBI  
(The Senate Majority Leader)
- ii) REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 145<sup>TH</sup> ASSEMBLY AND RELATED MEETINGS OF THE INTERPARLIAMENTARY UNION (IPU), HELD FROM 11<sup>TH</sup> TO 15<sup>TH</sup> OCTOBER, 2022, IN KIGALI, RWANDA.  
(Sen. (Dr.) Boni Khalwale, MP)
- iii) REPORT OF THE 61<sup>ST</sup> SESSION OF THE ORGANISATION OF AFRICAN, CARRIBEAN AND PACIFIC STATES (OACPS) PARLIAMENTARY ASSEMBLY AND THE 42<sup>ND</sup> SESSION OF THE OACPS -EU JOINT PARLIAMENTARY ASSEMBLY HELD IN MAPUTO, MOZAMBIQUE ON 23<sup>RD</sup> OCTOBER TO 2<sup>ND</sup> NOVEMBER, 2022  
(Sen. Tabitha Mutinda, MP)
- iv) THE DOPING MENACE THREATENING KENYA'S IMPECCABLE GLOBAL REPUTATION IN ATHLETICS  
(Sen. Samson Cherarkey, MP)

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