



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (SECOND SESSION)
THE SENATE
ORDER PAPER

WEDNESDAY, MARCH 29, 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
7. Statements (as listed in the Appendix)
8. ***THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)**
(Sen. Danson Mungatana, MP)

(Second Reading)

*(Resumption of debate interrupted on Thursday, 9th March, 2023)
(Division)*

9. ***THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)**
(Sen. Moses Kajwang, MP)

(Second Reading)

*(Resumption of debate interrupted on Thursday, 23rd March, 2023)
(Mover to reply)*

...../Motion

10. **MOTION - AMENDMENT OF THE SENATE CALENDAR FOR THE SECOND SESSION**

(The Senate Majority Leader)

THAT, notwithstanding the Resolution of the Senate on the approval of the Senate Calendar made on 16th February, 2023 and noting the Resolution of the Senate made on Thursday, 23rd March, 2023, on the Fifth Report of the Procedure and Rules Committee (PRC) on the amendments to the Standing Orders of the Senate; and pursuant to Standing Order 32 (4), the Senate resolves to amend its Calendar (Regular Sessions) of the Senate for the Second Session, 2023 to provide for morning sittings on Wednesdays pursuant to Standing Order 34.

11. **MOTION - ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE STATUTORY INSTRUMENTS (EXEMPTION FROM EXPIRY) REGULATIONS, 2022**

(The Chairperson, Select Committee on Delegated Legislation)

THAT, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Statutory Instruments (Exemption from Expiry) Regulations, 2022, laid on the Table of the Senate on Tuesday, 28th March, 2023; and that pursuant to Section 18 of the Statutory Instruments Act, resolves to **annul** in its entirety, the Statutory Instruments (Exemption from Expiry) Regulations Legal Notice No. 217 of 2022.

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

(Sen. Danson Mungatana, MP)

13. ***THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 7 OF 2022)**

(Sen. Danson Mungatana, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 23rd March, 2023)

14. ***THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)**

(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

15. ***THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)**

(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

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

(Sen. Samson Cherarkey, MP)

(Second Reading)

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

(Sen. Maureen Tabitha Mutinda, MP)

(Second Reading)

18. ***THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**

(Sen. Wakili Hillary Sigei, MP)

(Second Reading)

19. ***THE KONZA TECHNOPOLIS BILL (SENATE BILLS NO. 2 OF 2023)**

(Sen. Gloria Orwoba, MP)

(Second Reading)

20. **MOTION – 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;

...../Motion

- 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 this 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.

(Resumption of debate interrupted on Tuesday 14th March, 2023 – Balance of time – 2hrs 42mins)

21. **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;

...../Motion

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)***

22. **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;

...../Motion

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.

(Resumption of debate interrupted on Thursday, 16th March, 2023 – Balance of time – 2hrs 53mins)

23. **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;

...../Motion

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.

24. **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

...../Motion

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;

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.

25. **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;

...../Motion

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;
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.

26. **MOTION – BAN ON THE CULTIVATION OF EUCALYPTUS TREES ON RIPARIAN LANDS**

(Sen. James Kamau Murango, MP)

THAT, AWARE THAT the Constitution of Kenya acknowledges the Nation’s respect for the environment and obligates the State to eliminate processes and activities that are likely to endanger it;

FURTHER AWARE THAT there has been extensive cultivation of eucalyptus trees in Kenya owing to their rapid growth, high biomass yield, and adaptability to a wide range of climatic regimes and soil types;

CONCERNED THAT eucalyptus trees require high amounts of water through their growth, have deep root systems that extract water from the soil at a rapid rate and their cultivation on riparian land depletes the water in the riparian ecosystem, often resulting in the drying up of streams, aggravating the effects of climate change, particularly the infrequent and insufficient rainfall currently being experienced in the country;

NOW THEREFORE the Senate urges the Ministry of Environment, Climate Change and Forestry in coordination with the National Environment Management Authority to:

- i. develop and implement a policy framework to guide the cultivation of eucalyptus trees with the aim of mitigating their adverse effect on the environment; and

...../Motion

- ii. undertake a systematic nation-wide removal program for eucalyptus tree cultivations on riparian lands.

27. **MOTION - REPORT OF THE 61ST SESSION OF THE ORGANISATION OF AFRICAN, CARRIBEAN AND PACIFIC STATES (OACPS) PARLIAMENTARY ASSEMBLY AND THE 42ND SESSION OF THE OACPS -EU JOINT PARLIAMENTARY ASSEMBLY HELD IN MAPUTO, MOZAMBIQUE ON 23RD OCTOBER TO 2ND NOVEMBER, 2022**

(Sen. Tabitha Mutinda, MP)

THAT, the Senate notes the Report of the 61st Session of the Organisation of African, Carribean and Pacific States (OACPS) Parliamentary Assembly and the 42nd Session of the OACPS -EU Joint Parliamentary Assembly held in Maputo, Mozambique on 23rd October to 2nd November, 2022.

28. **MOTION - 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. Danson Mungatana, MP)

THAT, the Senate notes the 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 laid on the Table of the Senate on Thursday, 16th February, 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 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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NOTICE OF AMENDMENTS

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

(Sen. Danson Mungatana, MP)

NOTICE is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 5 of 2022) at the Committee Stage —

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the words “The Parliamentary Powers and Privileges (Amendment) Act, hereinafter referred to as” at the beginning of the introductory clause.

INSERTION OF NEW CLAUSE 3A

THAT the Bill be amended by inserting the following new clause immediately after clause 3 –

3A. Section 16 of the principal Act is amended in paragraph (d) by deleting the expression “38” appearing immediately after the words “under section” and substituting therefor the expression “37”.

CLAUSE 4

THAT clause 4 of the Bill be amended –

- (a) in the introductory clause by deleting the words “Parliamentary Powers and Privileges Act hereinafter referred to as the” appearing immediately after the word “The”;
- (b) by deleting the proposed new section 23A and substituting therefor the following new section –

23A. In this Part, “responsible officer” means –

- (a) a Cabinet Secretary;
- (b) a county governor;
- (c) the chairperson of a commission established under the Constitution;
- (d) the Auditor-General;

- (e) the Controller of Budget;
- (f) the chairperson and the accounting officer of a corporate body; and
- (g) a public officer to whom a resolution or report of a House or a Committee of Parliament is submitted in accordance with this Act.

(c) in the proposed new section 23C –

- (i) by renumbering the existing provision as subsection (1); and
- (ii) inserting the following new subsection immediately after the new subsection (1)–

(2) A person liable for an offence under subsection (1) shall be personally liable for the fine and public funds shall not be used to pay such a fine.

APPENDIX

1. PETITION

Petition to the Senate by Mrs. Zipporah C.K. Seroney concerning mistreatment, harassment, property loss and human rights violation meted on the family of the late Hon. Jean Marie Seroney.

(Sen. Samson Cherarkey, MP)

2. PAPERS

- i.) Report of the Auditor General on the financial statement of the Kajiado County Executive for the year ended 30th June, 2022.
- ii.) Report of the Auditor General on the financial statement of the Kajiado County Assembly for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on the financial statement of the Kajiado County Assembly Car Loan & Mortgage Fund for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on the financial statement of the Kajiado County Emergency Fund for the year ended 30th June, 2022.
- v.) Report of the Auditor General on the financial statement of the Bomet County Car Loan and Mortgage Scheme for the year ended 30th June, 2022.

(The Senate Majority Leader)

3. STATEMENTS PURSUANT TO STANDING ORDER 53(1)

- i.) The Senator for West Pokot County (Sen. Julius Murgor, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the grabbing of land belonging to Kanyarkwat Group Ranch in West Pokot County.
- ii.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding alleged mismanagement, irregular procurement and misuse of funds at the Sports, Arts and Social Development Fund (SASDEF).
- iii.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a statement from the Standing Committee on Health concerning the poor state of delivery of health services in Kisumu County.

- iv.) Nominated Senator (Sen. Crystal Asige, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding claims of inaccurate data of Persons with Disabilities (PWDs) as reflected in the National Census of 2019.
- v.) Nominated Senator (Sen. Beatrice Ogola, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of Ruma and Koderia forests in Homa Bay County.
- vi.) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of degazettement of Kibiri forest and settlement at Shiru/Shaviringa settlement scheme.

NOTICE PAPER

Tentative Business for

Thursday, March 30, 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, March 30, 2023.

MOTIONS

- i.) INCORPORATION OF INTELLIGENT WATER MANAGEMENT SYSTEMS IN BUILDING PLANS FOR SUSTAINABLE LIVING
(Sen. Wahome Wamatinga, MP)
- ii.) ARBITRARY ARRESTS OF KENYAN FISHERMEN BY UGANDAN AUTHORITIES
(Sen. Oburu Oginga, MP)
- iii.) REVIEW OF THE MINIMUM WAGE NECESSITATED BY HIGH COST OF LIVING
(Sen. Karen Nyamu, MP)
- iv.) ACCELERATING THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOALS (SDGs)
(Sen. Catherine Mumma, MP)
- v.) REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS
(Sen. Wahome Wamatinga, MP)
- vi.) ADJOURNMENT OF THE SENATE PURSUANT TO THE CALENDAR
(The Senate Majority Leader)
