



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

**TUESDAY, APRIL 11, 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. Questions and Statements (as listed in the Appendix)
8. **\*\*THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)**  
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

*(First Reading)*

9. **\*THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)**  
(Sen. Danson Mungatana, MP)

*(Second Reading)*

***(Resumption of debate interrupted on Thursday, 9<sup>th</sup> March, 2023)***

***(Division)***

***...../Bills***

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

(Sen. Moses Kajwang', MP)

*(Second Reading)*

***(Resumption of debate interrupted on Wednesday, 29<sup>th</sup> March, 2023)***

***(Division)***

11. **\*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, 30<sup>th</sup> March, 2023)***

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

(Sen. Mariam Sheikh Omar, MP)

*(Second Reading)*

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

(Sen. Mariam Sheikh Omar, MP)

*(Second Reading)*

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

(Sen. Samson Cherarkey, MP)

*(Second Reading)*

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

(Sen. Maureen Tabitha Mutinda, MP)

*(Second Reading)*

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

(Sen. Wakili Hillary Sigei, MP)

*(Second Reading)*

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

(Sen. Gloria Orwoba, MP)

*(Second Reading)*

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

(Sen. Enoch Wambua, MP)

*(Second Reading)*

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

(Sen. Crystal Asige, MP)

*(Second Reading)*

20. **\*\*THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 3 OF 2023)**

(Chairperson, Standing Committee on Finance and Budget)

*(Second Reading)*

21. **\*THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)**

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

*(Second Reading)*

22. **\*THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)**

(Sen. Beth Syengo, MP)

*(Second Reading)*

23. **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;

...../Motion

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

...../Motion

24. **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;
- 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 14<sup>th</sup> March, 2023 – Balance of time – 2hrs 42mins)***

...../Motion

25. **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.

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

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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**

**1. PETITIONS**

- i.) Petition to the Senate by Mr. Charles W. Waikwa on behalf of residents of Laikipia West Constituency in Laikipia County, concerning de-gazettement as a forest, of Land Reference No. 12493, situated West of Rumuruti Township in Laikipia County.

*(The Speaker of the Senate)*

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

*(Sen. Samson Cherarkey, MP)*

**2. PAPERS**

- i.) Performance Audit Report of the Auditor-General on Response to Floods in Kenya.
- ii.) Report of the Auditor General on the financial statement of the Bungoma County Trade Development Loans Fund for the year ended 30<sup>th</sup> June, 2022.
- iii.) Report of the Auditor General on the financial statement of the Bungoma County Youth and Women Empowerment Fund for the year ended 30<sup>th</sup> June, 2022.
- iv.) Report of the Auditor General on the financial statement of the Nyandarua County Executive (State and Public Officers) Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2022.
- v.) Report of the Auditor General on the financial statement of the Nyandarua County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2022.
- vi.) Report of the Auditor General on the financial statement of the Nyeri County Executive Car Loan and Mortgage (Staff) Scheme Fund for the year ended 30<sup>th</sup> June, 2022.
- vii.) Report of the Auditor General on the financial statement of the County Revenue Fund – County Government of Nyeri for the year ended 30<sup>th</sup> June, 2022.



- viii.) Report of the Auditor General on the financial statement on Receiver of Revenue – the County Government of Nyeri for the year ended 30<sup>th</sup> June, 2022.
- ix.) Report of the Auditor General on the financial statement of the Nyeri County Health Services Fund for the year ended 30<sup>th</sup> June, 2022.
- x.) Report of the Auditor General on the financial statement of the County Executive of Garissa for the year ended 30<sup>th</sup> June, 2022.
- xi.) Report of the Auditor General on the financial statement of the Garissa County Assembly for the year ended 30<sup>th</sup> June, 2022.
- xii.) Report of the Auditor General on the financial statement of the Garissa County Investment Development Authority for the year ended 30<sup>th</sup> June, 2022.
- xiii.) Report of the Auditor General on the financial statement of the Garissa County Emergency Fund for the year ended 30<sup>th</sup> June, 2022.
- xiv.) Report of the Auditor General on the financial statement of the County Executive of Wajir for the year ended 30<sup>th</sup> June, 2022.
- xv.) Report of the Auditor General on the financial statement of the County Assembly of Wajir for the year ended 30<sup>th</sup> June, 2022.
- xvi.) Report of the Auditor General on the financial statement of the Kiambu County Executive Staff Car Loan and Mortgage Scheme for the year ended 30<sup>th</sup> June, 2022.
- xvii.) Report of the Auditor General on the financial statement of the Kiambu County Health Services Facility Improvement Fund (HSFIF) for the year ended 30<sup>th</sup> June, 2022.
- xviii.) Report of the Auditor General on the financial statement of the Kiambu County Jiinue Fund for the year ended 30<sup>th</sup> June, 2022.
- xix.) Report of the Auditor General on the financial statement of the Busia County (Public Officers) Revolving Fund for the year ended 30<sup>th</sup> June, 2022.
- xx.) Report of the Auditor General on the financial statement of the Turkana County Executive of for the year ended 30<sup>th</sup> June, 2022.
- xxi.) Report of the Auditor General on the financial statement of the Turkana County Assembly of for the year ended 30<sup>th</sup> June, 2022.

*(The Senate Majority Leader)*

...../Appendix

**3. NOTICES OF MOTION**

**a) DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES**

(Sen. Crystal Asige, MP)

**THAT AWARE THAT,** Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

**NOTING THAT** the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions which if uncontrolled, will result to negative impact of climate change that will adversely affect millions of Kenyans ;

**CONCERNED THAT** the number of private vehicles has significantly grown leading to increased road accidents, carbon emission and vehicle congestion costs which are in excess of Kshs. 100 billion in GDP per year;

**NOW THEREFORE** the Senate urges the Ministry of Roads and Transport, in collaboration with the Council of Governors, and the National Climate Change Council to;

- i.) identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas;
- ii.) provide affordable, safe and efficient public transport including but not limited to development of Bus Rapid Transport (BRT) in the urban areas;
- iii.) encourage the use of electric hybrid buses and provide appropriate incentives for their use; and
- iv.) design an infrastructure that can support non – motorized transport facilities such as pedestrian and bicycle access within urban centers; and
- v.) ensure inter-modal connectivity among the various transport modes.

**b) STATE OF MENTAL HEALTH OF POLICE OFFICERS.**

(Sen. Hamida Kibwana, MP)

**AWARE THAT,** police officers are usually first responders and are often exposed to traumatic scenes and chronic stressors such as, dangerous situations, injuries and violence coupled with the need to report and testify about psychologically stressful scenes;

...../Appendix

**COGNIZANT OF**, a survey done by the National Police Service Commission in 2022 which indicated that at least 12 to 13 percent of the 110,000 police officers have mental health challenges stemming from work related issues;

**CONCERNED THAT**, there has been a recent spike of incidents involving police officers, including murder and suicide which have been linked to the state of mental wellbeing;

**NOW THEREFORE**, the Senate urges the National Government and the National Police Service through the Ministry of Interior and National Administration to –

1. declare the current mental health situation within the police service a national emergency;
2. urgently establish a specialized facility to cater for police officers with mental illness;
3. develop and implement policies to reduce the stigma surrounding mental health issues within law enforcement agencies and encourage officers to seek help when needed; and
4. prioritise mental health as a priority health and socio-economic agenda within the Police Service and that in cases of deployment and transfers the service considers the health of the affected officers.

#### **4. QUESTIONS AND STATEMENTS**

##### **STATEMENTS**

##### **a) Pursuant to Standing Order 52 (1)**

- i.) The Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) to make a statement concerning the state of security in Samburu County.
- ii.) Nominated Senator (Sen. Crystal Asige, MP) to make a statement concerning the commemoration of the World Autism Awareness day.

##### **b) Pursuant to Standing Order 53(1)**

- i.) 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).

- ii.) 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.
- iii.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations concerning the operations of the Kisumu City Board.
- iv.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Labour and Social Welfare concerning the state of welfare of street families and children.
- v.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Finance and Budget concerning claims of disposal of state-owned entities without the approval of Parliament.
- vi.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Finance and Budget concerning the readiness for uptake of the Green Climate Fund's (GCF) capacity building programme for legislators in Kenya.
- vii.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Education regarding the delayed disbursement of loans by the Higher Education Loans Board (HELB).
- viii.) Nominated Senator (Sen. (Prof.) Margaret Kamar, MP) to seek a statement from the Standing Committee on Education concerning the failure by the Ministry of Education to release capitation funds for Special schools.

**c) Pursuant to Standing Order 56(1)(b)**

- i.) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to issue a Statement relating to the activities of the Committee.
- ii.) The Chairperson, Standing Committee on Devolution and Intergovernmental Relations to issue a Statement relating to the activities of the Committee.
- iii.) The Chairperson, Standing Committee on Education to issue a Statement relating to the activities of the Committee.

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# NOTICE PAPER

## Tentative Business for

**Wednesday, April 12, 2023 (Morning Sitting)**

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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 Wednesday, April 12, 2023 (Morning Sitting).

### **BILL AT COMMITTEE OF THE WHOLE STAGE**

\*THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL  
(SENATE BILLS NO. 5 OF 2022)  
(Sen. Danson Mungatana, MP)

### **MOTIONS**

- i.) INSTITUTION OF MEASURES TO CURB INCESSANT HIGH ELECTRICITY COSTS IN KENYA  
(Sen. Mohamed Chute, MP)
- ii.) ENHANCING HIGHWAY SAFETY AND CONVENIENCE  
(Sen. Wahome Wamatinga, MP and Sen. Mohamed Faki, MP)
- iii.) DROUGHT MITIGATION PROGRAMME IN PUBLIC SCHOOLS  
(Sen. Enoch Wambua, MP)
- iv.) BAN ON THE CULTIVATION OF EUCALYPTUS TREES ON RIPARIAN LANDS  
(Sen. James Kamau Murango, MP)
- v.) INCORPORATION OF INTELLIGENT WATER MANAGEMENT SYSTEMS IN BUILDING PLANS FOR SUSTAINABLE LIVING  
(Sen. Wahome Wamatinga, MP)
- vi.) ARBITRARY ARRESTS OF KENYAN FISHERMEN BY UGANDAN AUTHORITIES  
(Sen. (Dr.) Oburu Oginga, MP)

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