



REPUBLIC OF KENYA

THE SENATE

PROGRAMME OF SENATE BUSINESS

WEEK COMMENCING TUESDAY, NOVEMBER 26, 2024

*** 13TH PARLIAMENT * 3RD SESSION**

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REPUBLIC OF KENYA

THE SENATE

THIRTEENTH PARLIAMENT - THIRD SESSION

PROGRAMME OF SENATE BUSINESS FOR THE WEEK
COMMENCING TUESDAY, NOVEMBER 26, 2024

TUESDAY Communication from the Chair, Messages, Petitions,
26/11/2024 Papers, Notices of Motion, Statements, Motions and Bills

A. *THE OFFICE OF THE COUNTY ATTORNEY (AMENDMENT)
BILL (SENATE BILLS NO. 47 OF 2024)

(Sen. David Wakoli, MP)

(First Reading)

B. MOTION - DEBATE ON THE PRESIDENT'S ADDRESS TO
PARLIAMENT – (1ST DAY)

(The Senate Majority Leader)

THAT, pursuant to Standing Order 27 (3), the Senate -

- a) **records its thanks for the exposition of public policy contained in the Address of His Excellency the President**, delivered on Thursday, 21st November, 2024 and laid on the Table of the Senate on Tuesday, 26th November, 2024; and
- b) **notes** the following Reports submitted by His Excellency the President in fulfilment of Articles 132 (1) (c) (1) and 240 (7) of the Constitution, laid on the Table of the Senate on Tuesday, 26th November, 2024 –
 - i.) The Eleventh (11th) Annual Report (2023/2024), on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance; and
 - ii.) The Annual Report on the State of National Security for the period 1st September, 2023 – 31st August, 2024.

C. **THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 20th November, 2024 – Afternoon Sitting)

D. MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

THAT, the National Assembly amendments to the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) be now considered.

E. MOTION - CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE ACCESS TO EDUCATION IN KENYA

(Sen. Karungo Thangwa, MP)

THAT AWARE THAT, Pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NCDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, schools' fees remain unaffordable for many parents and the allocation of bursaries has been plagued by nepotism, favoritism, and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT public learning institutions are primarily funded by the Government through the Ministry of Education, and in the financial year 2024/25, approximately Kshs. 656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student and that the lack of transparency in the disbursement of bursaries from

various agencies makes it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

NOW THEREFORE, the Senate urges the Ministry of Education, to:

- 1) audit the funds allocated to bursaries by both the National Government and county governments;
- 2) consolidate the funds distributed by various government entities and agencies, with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education; and
- 3) calculate the cost of education per learner and make this information public for primary, secondary, and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

*(Resumption of debate interrupted on Tuesday, 12th November, 2024)
(Balance of time – 1 hr 51mins)*

F. Any Other Business

WEDNESDAY

27/11/2024

(Morning Sitting)

Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Questions, Motions, Bills and any other Business not concluded on Tuesday, 26th November, 2024.

A. QUESTIONS

QUESTION NO.	SENATOR	SUBJECT	MINISTRY
049	Sen. George Mbugua, MP	Agreement between Kenya and Cuba concerning the exchange programme for doctors	Health
075	Sen. Peris Tobiko, CBS, MP	Status of <i>Linda Mama</i> initiative, the <i>EduAfya</i> insurance scheme and services available to NHIF members	Health

076	Sen. Jackson Mandago, EGH, MP	Shortage of childhood vaccines in the country	Health
086	Sen. Agnes Kavindu, MP	Roll-out of a medical programme for subsidized treatment to surviving Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi	Health
087	Sen. Joyce Korir, MP	Early diagnosis and proper treatment of endometriosis in Kenya	Health
105	Sen. Hamida Kibwana, MP	Welfare of medical interns	Health
116	Sen. Catherine Mumma, MP	Availability and affordability of life-supporting prescription drugs for Persons with Disabilities (PWDs) and persons living with seizure-related ailments	Health
117	Sen. (Prof.) Tom Ojienda, SC, MP	Terms of engagement between personnel from the Ministry of Interior and National Administration and the Ministry of Health in the registration of Kenyans to the Social Health Authority (SHA)	Health
121	Sen. (Prof.) Tom Ojienda, SC, MP	Comparative analysis of the financial implications and benefits of the Social Health Authority (SHA) and the defunct National Health Insurance Fund (NHIF)	Health
089	Sen. Julius Murgor, CBS, MP	Contribution of the Nasolot Game Reserve to the	Tourism and Wildlife

B. MOTION - REPORT OF THE 9TH INTER-PARLIAMENTARY UNION (IPU) GLOBAL CONFERENCE OF YOUNG PARLIAMENTARIANS HELD IN HANOI, VIETNAM FROM 15TH TO 17TH SEPTEMBER, 2023

(Sen. John Methu, MP)

THAT, the Senate notes the Report of the 9th Inter-Parliamentary Union (IPU) Global Conference of Young Parliamentarians held in Hanoi, Vietnam from 15th to 17th September, 2023 laid on the table of Senate on Tuesday, 5th March, 2024.

C. MOTION - REPORT OF THE PARLIAMENTARY DELEGATION TO THE 2024 JOINT UNITED NATIONS – INTER-PARLIAMENTARY UNION PARLIAMENTARY HEARING HELD AT THE UNITED NATIONS HEADQUARTERS IN NEW YORK, UNITED STATES OF AMERICA FROM 8TH TO 9TH FEBRUARY, 2024

(Sen. Veronica Maina, MP)

THAT, the Senate notes the Report of the Parliamentary Delegation to the 2024 Joint United Nations – Inter-Parliamentary Union Parliamentary Hearing held at the United Nations headquarters in New York, United States of America from 8th to 9th February, 2024 laid on the Table of the Senate on Tuesday, 17th September, 2024.

D. MOTION – REPORT OF THE 14TH ORDINARY SESSION OF THE PLENARY ASSEMBLY AND RELATED MEETINGS OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE OF THE GREAT LAKES REGION, HELD IN LIVINGSTONE, ZAMBIA, FROM 15TH TO 19TH APRIL, 2024

(Sen. Ali Ibrahim Roba, MP)

THAT, the Senate notes the report of the 14th Ordinary Session of the Plenary Assembly and Related Meetings of the Forum of Parliaments of the International Conference of the Great Lakes region, held in Livingstone, Zambia, from 15th to 19th April, 2024 laid on the Table of the Senate on Thursday, 30th May, 2024.

E. MOTION - REPORTS OF THE 63RD AND 64TH SESSIONS OF THE OACPS PARLIAMENTARY ASSEMBLY AND THE 43RD AND 1ST SESSIONS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY MEETINGS HELD IN BRUSSELS, BELGIUM AND LUANDA, ANGOLA RESPECTIVELY

(Sen. Kathuri Murungi, MP)

THAT, the Senate notes the Reports of the-

- (i) 63rd Session of the Organization of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 43rd Session of the African, Caribbean and Pacific -European Union (ACP-EU) Joint Parliamentary Assembly meetings in held Brussels, Belgium from 19th to 28th June, 2023; and
- (ii) 64th Session of the Organization of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 1st Session of the African, Caribbean and Pacific -European Union (ACP-EU) Joint Parliamentary Assembly meetings in held in Luanda, Angola from 17th to 21st February, 2024,

laid on the table of Senate on Wednesday, 6th December, 2023 and Wednesday, 2nd October, 2024 respectively.

F. REPORT OF THE PROCEEDINGS OF THE PARLIAMENTARIANS' DIALOGUE AT THE AFRICA CLIMATE SUMMIT, 2023 HELD IN THE NATIONAL ASSEMBLY CHAMBER, PARLIAMENT BUILDINGS, NAIROBI ON 3RD – 6TH SEPTEMBER, 2023

(Sen. Moses Kajwang', MP)

THAT, the Senate notes the Report of the Proceedings of the Parliamentarians' Dialogue at the Africa Climate Summit, 2023 held in the National Assembly Chamber, Parliament Buildings, Nairobi, on 3rd – 6th September, 2023, laid on the Table of the Senate on Wednesday, 2nd October, 2024.

G. MOTION - ESTABLISHMENT 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 with adverse effect to millions of Kenyans;

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

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, Ministry of Environment, Climate Change and Forestry, 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 across the country;
- ii.) Identify and develop County car-free zones, also known as “pedestrians’ precincts”, in urbanized areas, where its infrastructure and activities are restricted to pedestrians alone;
- iii.) provide affordable, safe and universally designed public transport access to and around these car-free zones, including, but not limited to, development of Bus Rapid Transport (BRT) in the urban areas;
- iv.) Design inclusive mobility infrastructure that supports non – motorized transport facilities, such as pedestrian spaces, bicycle lanes and green spaces, within the Central Business District of every County; and
- v.) ensure inter-modal connectivity among the various transport modes.

H. MOTION - DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA

(Sen. Catherine Mumma, MP)

AWARE THAT the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination;

FURTHER AWARE THAT Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects;

CONCERNED THAT inadequate attention to social risks in the planning and implementation of development projects at both national and county levels makes them unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks;

NOW, THEREFORE, the Senate resolves that:

1. The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and

2. The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

I. Any Other Business

WEDNESDAY **Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions, Bills and any other Business not concluded on Tuesday, 26th November, 2024.**
27/11/2024
(Afternoon Sitting)

A. MOTION - DEBATE ON THE PRESIDENT'S ADDRESS TO PARLIAMENT – (2ND DAY)

(The Senate Majority Leader)

THAT, pursuant to Standing Order 27 (3), the Senate -

- a) **records its thanks for the exposition of public policy contained in the Address of His Excellency the President**, delivered on Thursday, 21st November, 2024 and laid on the Table of the Senate on Tuesday, 26th November, 2024; and
- b) **notes** the following Reports submitted by His Excellency the President in fulfilment of Articles 132 (1) (c) (1) and 240 (7) of the Constitution, laid on the Table of the Senate on Tuesday, 26th November, 2024 –
 - i.) The Eleventh (11th) Annual Report (2023/2024), on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance; and
 - ii.) The Annual Report on the State of National Security for the period 1st September, 2023 – 31st August, 2024.

B. COMMITTEE OF THE WHOLE

***THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)**

(Sen. (Dr.) Boni Khalwale, MP)

(Resumption of debate interrupted on Tuesday, 19th November, 2024)

C. COMMITTEE OF THE WHOLE

***THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)**

(Sen. Hamida Ali Kibwana, MP)

D. COMMITTEE OF THE WHOLE

******THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)**

(The Senate Majority Leader)

E. COMMITTEE OF THE WHOLE

******THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 26 OF 2024)**

(The Senate Majority Leader and the Senate Minority Leader)

F. COMMITTEE OF THE WHOLE

****** THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 29 OF 2024)**

(The Senate Majority Leader and the Senate Minority Leader)

G. *THE ENVIRONMENT LAWS (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2024)

(Sen. Abdul Haji, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 31st October, 2024)

H. MOTION - REPORT OF THE STANDING COMMITTEE ON EDUCATION ON A PETITION TO THE SENATE REGARDING THE DISCRIMINATION BY TEACHERS SERVICE COMMISSION (TSC) ON PAYMENT OF HARDSHIP AND ENHANCED HOUSE ALLOWANCES TO SOME TEACHERS IN KILIFI AND TAITA TAVETA COUNTIES

(The Chairperson, Standing Committee on Education)

THAT, the Senate adopts the Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by Teachers Service Commission (TSC) on payment of hardship and enhanced house allowances to some teachers in Kilifi and Taita Taveta counties, laid on the Table of the Senate on Tuesday, 8th October, 2024.

I. MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANG'A, NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2019/2020

(The Chairperson, County Public Accounts Committee)

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang'a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5th March, 2024.

J. MOTION - REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER SERVICE COMPANIES FOR THE FINANCIAL YEARS 2018/2019, 2019/2020 AND 2020/2021

(The Chairperson, Committee on County Public Investments and Special Funds)

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021 (Volume VI), for the following Water Service Companies laid on the table of the Senate on Wednesday, 29th May, 2024;

- i) Busia Water and Sewerage Services Company Limited;
- ii) Iten- Tambach Water and Sewerage Company Limited;
- iii) Kirinyaga Water and Sanitation Company Limited;
- iv) Malindi Water and Sewerage Company Limited;
- v) Mandera Water and Sewerage Company Limited;
- vi) Migori Water and Sanitation Company Limited;
- vii) Mombasa Water and Sanitation Company Limited;
- viii) Nanyuki Water and Sanitation Company Limited; and
- ix) Nithi Water and Sanitation Company Limited.

K. MOTION - REPORT OF THE STANDING COMMITTEE ON ENERGY ON ITS INQUIRY INTO THE LIQUEFIED PETROLEUM GAS (LPG) EXPLOSION IN MRADI AREA, EMBAKASI, NAIROBI CITY COUNTY

(The Chairperson, Standing Committee on Energy)

THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday, 8th August, 2024.

L. MOTION - REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER, SANITATION AND SEWERAGE SERVICE COMPANIES FOR THE

FINANCIAL YEARS 2018/2019 (VOLUME VI), 2019/2020 (VOLUME VII) AND 2020/2021 (VOLUME IX)

(The Chairperson, Committee on County Public Investments and Special Funds)

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume VI), 2019/2020 (Volume VII) and 2020/2021 (Volume IX), for Eldama Ravine, Eldoret, Embu, Githunguri, Homabay, Kahuti, Kakamega Kapenguria, Kapsabet, Nandi, Karuri, Kericho, Kiambu, Kibwezi-Makindu, Kikuyu, Kitui, Lamu, Limuru, Mathira, Matungulu – Kangundo, Mbooni, Meru, Municipal Council of Machakos, Murangá, Murang’a South, Naivasha, Nakuru Rural, Nakuru, Narok, Olkalou, Olkejuado, Othaya Mukurweini, Ruiru-Juja, Siboi, Tavevo, Tetu Aberdare and Wote Water, Sanitation and Sewerage Service Companies laid on the table of the Senate on Wednesday, 2nd October, 2024.

M. MOTION - REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON AN INQUIRY INTO THE WELFARE OF WORKERS IN EXPORT PROCESSING ZONES (EPZS) IN MOMBASA AND KILIFI COUNTIES.

(The Chairperson, Standing Committee of Labour and Social Welfare)

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on an inquiry into the plight of workers in the Export Processing Zones (EPZs) in Mombasa and Kilifi Counties, laid on the Table of the Senate on Tuesday, 1st October, 2024.

N. MOTION - REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO PERSONAL SECURITY CONCERNS RAISED BY HON. PHILOMENA KAPKORY, DEPUTY GOVERNOR, TRANS NZOIA COUNTY

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the allegations on personal security concerns raised by Hon. Philomena Kapkory, Deputy Governor, Trans Nzoia County laid on the Table of the Senate on Tuesday, 1st October, 2024.

O. MOTION - REPORTS OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO THE STATE OF MARKETS IN VIHIGA AND BUNGOMA COUNTIES ARISING FROM A STATEMENT SOUGHT BY SEN. GODFREY OSOTSI, MP AND SEN. DAVID WAKOLI, MP

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts Reports of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of markets in Vihiga and Bungoma counties arising from statements sought by Sen. Godfrey Osotsi, MP, and Sen. David Wafula Wakoli, MP laid on the Table of the Senate on Tuesday, 1st October, 2024.

P. MOTION - PROGRESS REPORT OF THE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION INTO AN INQUIRY ON THE DIVERSITY AND INCLUSIVITY IN THE STAFF COMPOSITION OF STATE AGENCIES IN KENYA

(The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

THAT, the Senate adopts Progress Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration into an inquiry on the diversity and inclusivity in the staff composition of state agencies in Kenya, laid on the Table of the Senate on Thursday, 3rd October, 2024.

Q. MOTION - ADDRESSING THE CHALLENGE OF POWER PURCHASE AGREEMENT RENEWALS AND ELECTRICITY SUPPLY IN KENYA

(The Chairperson, Standing Committee on Energy)

THAT, AWARE THAT on 29th March 2021, a presidential taskforce was formed to review power purchase agreements between the Government and Independent Power Producers, during which a moratorium was imposed on Kenya Power and Lighting Company (KPLC), preventing KPLC from signing new agreements or renewing existing ones with Independent Power Producers, which moratorium was lifted by the Cabinet in March 2023;

FURTHER AWARE THAT the National Assembly, vide a Motion adopted on 19th April, 2023 placed a moratorium, restricting KPLC from signing and renewing power purchase agreements (PPAs) with Independent Power Producers (IPPs) pending a report of inquiry by the Departmental Committee on Energy and the consequent House resolution on the report;

CONCERNED THAT Kenya imports 17% of its electricity from neighboring countries and faces a challenge as the growing demand for electricity is conflicted with the lengthy process of developing power plants, which usually takes 6-10 years from conception to generation, leading to electricity shortage and load shedding which impedes economic growth;

COGNIZANT of the Senate resolution of 28th February, 2024 on a Motion by the Standing Committee on Energy on inquiry into the high cost of electricity in the country calling upon the Ministry of Energy to, among others, create a one stop IPP office that comprises all the stakeholders required for approval of power plants and that the Ministry, through KPLC and Independent Power Producers renegotiate the current power purchase agreements within 12 months of adoption of the report;

NOW THEREFORE notwithstanding the resolution of the National Assembly that imposed a moratorium on Kenya Power whose timeline has lapsed, the Senate, in order to cushion Kenyans from the high cost of electricity, resolves:

- i. that the Ministry of Energy and Petroleum and Kenya Power and Lighting Company be allowed to enter into new power purchase agreements or renew existing power purchase agreements with Independent Power Producers; and
- ii. that the Energy and Petroleum Regulatory Authority (EPRA) fast tracks the acquisition of necessary licenses required by Independent Power Producers with valid power purchase agreements for setting up power plants.

R. Any Other Business

THURSDAY **Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions, Bills and any other Business not concluded on Wednesday, 27th November, 2024.**
28/11/2024

A. MOTION - DEBATE ON THE PRESIDENT'S ADDRESS TO PARLIAMENT – (3RD AND FINAL DAY)

(The Senate Majority Leader)

THAT, pursuant to Standing Order 27 (3), the Senate -

- a) **records its thanks for the exposition of public policy contained in the Address of His Excellency the President**, delivered on Thursday, 21st November, 2024 and laid on the Table of the Senate on Tuesday, 26th November, 2024; and
- b) **notes** the following Reports submitted by His Excellency the President in fulfilment of Articles 132 (1) (c) (1) and 240 (7) of the Constitution, laid on the Table of the Senate on Tuesday, 26th November, 2024 –
 - i.) The Eleventh (11th) Annual Report (2023/2024), on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance; and

- ii.) The Annual Report on the State of National Security for the period
1st September, 2023 – 31st August, 2024.

B. **THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO. 36 OF 2024)**

(The Senate Majority Leader)

(Second Reading)

*(Resumption of debate interrupted on Wednesday, 20th November, 2024 –
Afternoon Sitting)*

(Division)

C. COMMITTEE OF THE WHOLE

***THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL
(SENATE BILLS NO. 55 OF 2023)**

(Sen. Mohamed Abass Sheikh, MP)

(Resumption of debate interrupted on Tuesday, 19th November, 2024)

(Division)

D. COMMITTEE OF THE WHOLE

*****THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL
(NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)**

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 19th November, 2024)

(Division)

E. COMMITTEE OF THE WHOLE

*****THE NATIONAL DISASTER RISK MANAGEMENT BILL
(NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)**

(The Senate Majority Leader)

F. COMMITTEE OF THE WHOLE

***THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL
(SENATE BILLS NO. 54 OF 2023)**

(Sen. Eddy Oketch, MP)

G. COMMITTEE OF THE WHOLE

***THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT)
BILL (SENATE BILLS NO. 2 OF 2024)**

(Sen. Crystal Asige, MP)

H. **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)

(The Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

I. *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)

(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

J. *THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)

(Sen. Mohamed Chute, MP)

(Second Reading)

K. *THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)

(Sen. Johnes Mwaruma, MP)

(Second Reading)

L. *THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)

(Sen. Lenku Ole Kanar Seki, MP)

(Second Reading)

M. MOTION – ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA

(Sen. Johnes Mwaruma, MP)

AWARE THAT Article 43 (1) (a) of the Constitution of Kenya provides that every person has the right to the highest attainable standard of health, including reproductive health care;

NOTING THAT in Kenya, we have five National Teaching and Referral hospitals with Kenyatta University Research and Teaching Hospital in Kiambu County and Moi Teaching and Referral Hospital in Eldoret, Uasin Gishu County being the only ones outside Nairobi County;

CONCERNED THAT the bed capacity, medical equipment and human capital in these National Teaching and Referral hospitals are not sufficient to absorb all the patients seeking specialized treatment;

FURTHER CONCERNED THAT many Kenyans with critical health conditions travel long distances in order to access specialized services in Moi Teaching and Referral Hospital in Eldoret or Nairobi where the other four National Teaching and Referral hospitals are located, leading to high cost of travel, augmented disease and in some cases deaths along the way;

NOW THEREFORE the Senate urges –

1. The Ministry of Health to:
 - i. Establish National Teaching and Referral hospitals in the Coast, Eastern, North Eastern, Nyanza and Western regions; and
 - ii. Fully equip the National Teaching and Referral Hospitals with modern medical equipment, medical supplies and personnel; and
2. The County Governments to allocate more funds to their respective health dockets to adequately facilitate their County Level 5 and Level 6 hospitals in order to enhance provision of critical health services to reduce the demand for such services from the National Teaching and Referral Hospitals.

N. MOTION - COUNTY GOVERNMENTS TO SET ASIDE LAND FOR THE PLANTING OF INDIGENOUS TREES

(Sen. Richard Onyonka, MP)

THAT, AWARE of the crucial role played by indigenous trees in purification of air and combating of climate change, protection against floods and water pollution, in the field of medicine, nutrition and timber production, among other roles;

APPRECIATING that the National Government, through the National Landscape and Ecosystem Restoration Programme, plans to increase the national forest cover to 30% by planting fifteen (15) billion trees and, in furtherance of the Programme, gazetted 13th November, 2023 as a Public Holiday to allow Kenyans to plant trees;

CONCERNED that the Government is yet to establish elaborate measures for the growing and protecting of indigenous trees and to involve such crucial players as the County Governments, hence impeding the sustainability of the programme;

NOW, THEREFORE, the Senate urges the 47 county Governments to set aside land and resources to be used in the planting and protection of indigenous trees, in support of the initiatives by the National Government.

O. MOTION - ALLOCATION OF SCHOLARSHIPS AND BURSARIES BY COUNTY GOVERNMENTS

(Sen. (Prof.) Margaret Kamar, MP)

THAT AWARE THAT, the Fourth Schedule to the Constitution distributes functions and powers between the National and County Governments with paragraph 16 of part 1 of the Fourth Schedule providing that the National Government shall be responsible for university and tertiary education institutions, other institutions of research and higher learning and primary schools, secondary schools and special education institutions;

FURTHER AWARE THAT, paragraph 9 of part 2 of the Fourth Schedule to the Constitution confers to County Governments the responsibility to provide pre-primary education and other facilities such as village polytechnics, homecraft centres and childcare facilities;

CONCERNED THAT notwithstanding the provisions of the aforementioned Schedule of the Constitution, the quality of pre-primary education remains low as a result of poor infrastructure with majority of the counties paying teachers in such facilities below the gazetted minimum wage;

FURTHER CONCERNED THAT, the Report by the Office of the Controller of Budget on County Governments Budget Implementation Review for the first six

months of Financial Year (FY) 2023/24 indicate that allocation to the Education Sector in all the forty-seven (47) counties range between 0.7% to 10.3% of their total budgets, and that a majority of the county governments spend a great percentage of the education sector budgets on provision of scholarships and bursaries to students in secondary and tertiary institutions, with some counties allocating up to 84% of their education budgets for such scholarships at the expense of the core mandate of providing quality preprimary education and improving infrastructure in the village polytechnics and homecraft centres;

NOW THEREFORE, THE SENATE RESOLVES THAT –

- 1) the County Governments stop funding National Government functions such as providing scholarships to students in secondary and tertiary institutions, and increase funding to pre-primary education, village polytechnics and homecraft centres for improvement of infrastructure and payment of better wages to teachers in such facilities;
- 2) the Controller of Budget ensures compliance and not approve monies to County Governments for carrying out functions of the National Government; and

- 3) the Auditor General reports on compliance status on funding of National Government functions by the County Governments in the annual reports.

P. MOTION - DEPLOYMENT OF SAFETY OFFICERS IN SCHOOLS FOR ENHANCED SECURITY AND PREPAREDNESS

(Sen. Karen Nyamu, MP)

AWARE THAT schools play a crucial role in shaping the future of our children and providing a safe environment for learning;

CONSCIOUS THAT personal growth is vital, and that safety within schools is a fundamental right of every student, teacher, and other workers and that safety is critical in improving the overall quality of education;

FURTHER AWARE THAT many schools, particularly in rural and marginalized areas, lack the necessary resources and expertise to manage safety risks effectively, which exposes students and staff to potential harm;

NOTING THAT deploying dedicated safety officers in schools will significantly reduce risks, enhance preparedness, and provide immediate response capabilities during emergencies, and that these trained safety officers will oversee safety protocols,

provide first aid, conduct safety drills, ensure fire preparedness, manage emergency evacuations, and assist in addressing violence or other threats within school environments;

CONCERNED THAT there have been increasing incidences of insecurity, violence, accidents, and other safety challenges in both primary and secondary schools across the country;

NOW THEREFORE, the Senate urges that the National Government, through the Ministry of Education to:

- 1) recruit and deploy dedicated safety officers in both primary and secondary schools nationwide;
- 2) implement comprehensive training in safety protocols, first aid, emergency response, and violence management; and
- 3) provide necessary resources and support to schools, particularly in rural and marginalized areas, to effectively deploy and utilize these safety officers.

Q. MOTION - STEPS TO EFFECTIVE WASTE MANAGEMENT IN CITIES, TOWNS AND URBAN AREAS IN THE COUNTRY

(Sen. Mwenda Gataya Mo Fire, MP)

THAT, aware that waste management in cities, towns and urban areas in Kenya has clearly stood out as one of the greatest challenges to the wellbeing of urban dwellers particularly those living near dumpsites infringing their right to a clean and healthy environment as provided for under Article 42 of the Constitution and Section 3 of the Environmental Management and Co-Ordination Act;

NOTING THAT, most of the developed countries and some countries in Africa have managed to sufficiently deal with the issue of waste management in their cities, towns and urban areas making them attractive to their residents and investors from other countries and significantly reducing the risk of diseases caused by poor sanitation;

CONCERNED THAT, if proper waste management mechanisms are not put in place the increased populations in cities, towns and urban areas in Kenya will worsen the situation considering the culture displayed by most Kenyans in waste disposal;

COGNIZANT THAT, paragraph 2 (g) of Part 2 of the Fourth Schedule to the Constitution mandates County Governments with the function of refuse removal, refuse dumping and solid waste management;

NOW THEREFORE THE SENATE calls upon County Governments to develop county specific frameworks in their respective counties to regulate the challenge of waste management that will avert the associated environmental and health related risks to the residents of cities, towns and urban areas in Kenya.

R. MOTION - STRENGTHENING SUPPORT FOR PASTORALIST COMMUNITIES TO COMBAT CATTLE RUSTLING AND MINIMIZE LIVESTOCK LOSSES

(Sen. James Lomenen, MP)

THAT AWARE THAT, the livestock sector plays a crucial role in the economic well-being and cultural identity of many communities, particularly in arid and semi-arid regions of Kenya;

FURTHER AWARE THAT, cattle rustling has become a major hindrance to economic development, severely affecting pastoralist communities that heavily rely on livestock for their livelihood, leading to loss of life, destruction of property, and displacement of families;

APPRECIATING THAT, over the years, various interventions have been introduced by both the National and County Governments, including security

operations, disarmament initiatives, and community peace-building efforts to curb the menace of cattle rustling and provision of livestock insurance to protect farmers in case of loss;

CONCERNED THAT, despite Government efforts, cattle rustling continues to thrive, driven by organized crime syndicates, political interference, and cultural practices, which severely undermines the economic stability and social cohesion of affected communities, thereby contravening the right of pastoralists to acquire and own property as stated in Article 40(1) of the Constitution;

FURTHER CONCERNED THAT the lack of adequate legal frameworks, affordable and comprehensive insurance schemes for livestock, and financial security for pastoralist communities has left many families vulnerable to poverty due to the theft of their livestock and the impacts of climate change, particularly drought, which aggravates these challenges;

NOW THEREFORE, the Senate urges the Ministry of Agriculture and Livestock Development to:

1. increase the budget allocation to the agricultural sector to at least 10% of the national budget, in line with the Maputo Declaration of 2000 (reaffirmed by the Malabo Declaration of 2015),
2. to create an enabling environment for providing affordable livestock insurance to pastoralists;
3. provide incentives to the private sector to deliver comprehensive and affordable livestock insurance; and
4. implement measures to promote public awareness and encourage the uptake of livestock insurance.

TUESDAY
03/12/2024

Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions, Bills and any other Business not concluded on Wednesday, 27th November, 2024.

A. COMMITTEE OF THE WHOLE

***THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)**

(Sen. Esther Anyieni Okenyuri, MP)

B. COMMITTEE OF THE WHOLE

****THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**

(The Chairperson, Standing Committee on Energy)

C. COMMITTEE OF THE WHOLE

*****THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)**

(The Senate Majority Leader)

D. COMMITTEE OF THE WHOLE

***THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)**

(Sen. Edwin Sifuna, MP)

E. COMMITTEE OF THE WHOLE

***THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)**

(Sen. Mariam Sheikh Omar, MP)

F. COMMITTEE OF THE WHOLE

***THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)**

(Sen. Kathuri Murungi, MP)

S. *THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)

(Sen. Karungo Thang'wa, MP)

(Second Reading)

G. *THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)

(Sen. James Murango, MP)

(Second Reading)

H. *THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2023)

(Sen. Beth Syengo, MP)

(Second Reading)

I. * THE PROVISION OF SANITARY TOWELS BILL (SENATE BILLS NO. 7 OF 2024)

(Sen. Gloria Orwoba, MP)

(Second Reading)

J. *THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 17 OF 2024)

(Sen. Crystal Asige, MP)

(Second Reading)

K. *THE TOBACCO CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 35 OF 2024)

(Sen. Catherine Mumma, MP)

(Second Reading)

L. COMMITTEE OF THE WHOLE

***THE NUTS AND OIL CROPS DEVELOPMENT BILL (SENATE BILLS NO. 47 OF 2023)**

(Sen. Hamida Kibwana, MP)

M. MOTION - STOPPAGE OF FUNDS TO ISIOLO COUNTY DUE TO THE FAILURE BY THE GOVERNOR TO HONOUR SENATE SUMMONSES

(Sen. Fatuma Dullo, MP)

THAT AWARE THAT, pursuant to Article 96 of the Constitution, the Senate represents the counties and serves to protect the interests of the counties and their governments, and that the Senate exercises oversight over national revenue allocated to the county governments;

FURTHER AWARE THAT, Article 124 of the Constitution establishes Committees to carry out specific mandates and that Article 125 of the Constitution gives any Committee the power to summon any person to appear before it for the purpose of giving evidence or providing information;

WHEREAS, the Senate Standing Committee on Health invited and later summoned the Governor of Isiolo County, Hon. Abdi Ibrahim Hassan, to respond to questions relating to, among others, the ongoing crisis at Isiolo Morgue, NHIF deductions and remittance status and total amount of pending bills owed to the county hospital, which invitation he failed to honour on 21st May, 2024 and similarly failed to honour the summonses on 28th May, 2024 and 10th June, 2024;

AND WHEREAS the Governor of Isiolo County failed to honour an invitation by the County Public Investments and Special Funds Committee to respond to issues raised in the Auditor-General's Reports on Isiolo County Bursary Fund, the Isiolo County Emergency Fund and the Isiolo County Youth, Women and People with Disability Fund for the Financial Years 2019/2020, 2020/2021 and 2021/2022 on 28th May, 2024;

AND FURTHER WHEREAS the Governor of Isiolo County failed to honour five (5) invitations on diverse dates between 28th March, 2023 and 8th March, 2024 by the County Public Accounts Committee to respond to queries raised by the Auditor General in the Financial Statement of the County Executive of Isiolo for the Financial Years 2019/2020 and 2020/2021;

CONCERNED THAT following the numerous incidents of failure and or refusal by the Governor of Isiolo County to honour invitations and summonses, the County

Public Accounts Committee scheduled for a meeting at Isiolo County offices on 8th March, 2024 which the Governor failed to attend;

FURTHER CONCERNED THAT the committees of the Senate, pursuant to Article 179 (4) of the Constitution, invited Governor Abdi Ibrahim Hassan in his capacity as the Chief Executive Officer of the County, and he failed and/ or refused to appear before the committees to answer the respective audit queries raised by the

Auditor-General with respect to whether or not public monies have been applied lawfully and in an effective manner by the county government;

NOW THEREFORE, THE SENATE RESOLVES THAT –

- 1) pursuant to Article 228 (4) and (5) of the Constitution, the Controller of Budget should not authorize any withdrawal of public funds by the County Government of Isiolo until the Governor has responded to the issues raised in the summonses to the satisfaction of the Senate; and
- 2) the National Treasury, pursuant to Article 225 of the Constitution and Section 96 of the Public Finance Management Act, stops forthwith the transfer of funds to the County Government of Isiolo.

(Second Reading)

KEY

****** - Denotes a Majority /Minority Party Bill**

***** - Denotes a National Assembly Bill**

**** - Denotes a Committee Bill**

*** - Denotes any other Bill**