



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

TUESDAY, MAY 02, 2023 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD FOR THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 16 OF 2023)**

(The Senate Majority Leader)

THAT, pursuant to Standing Order 139, the Senate resolves to reduce the publication period of the County Allocation of Revenue Bill (Senate Bills No. 16 of 2023), from Seven (7) days to Five (5) days.

9. ****THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 16 OF 2023)**

(The Chairperson, Standing Committee on Finance and Budget)

(First Reading)

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

(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

...../Motion

*(Resumption of debate interrupted on Thursday, 27th April, 2023)
(The Mover to reply)*

- 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. ***THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)**
(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

*(Resumption of debate interrupted on Wednesday, 12th April, 2023 –
Afternoon Sitting)*

- 13. ***THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)**
(Sen. Samson Cherarkey, MP)

(Second Reading)

- 14. ***THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)**
(Sen. Maureen Tabitha Mutinda, MP)

(Second Reading)

- 15. ***THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)**
(Sen. Enoch Wambua, MP)

(Second Reading)

- 16. ***THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)**
(Sen. Crystal Asige, MP)

(Second Reading)

- 17. *THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)
(Sen. Wakili Hillary Sigei, MP)

(Second Reading)

- 18. *THE KONZA TECHNOPOLIS BILL (SENATE BILLS NO. 2 OF 2023)
(Sen. Gloria Orwoba, MP)

(Second Reading)

- 19. 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: -

...../Motion

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)***

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 - 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:

...../Motion

- (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)***

...../Notice

NOTICE

The Senate resolved on 15th February, 2023 as follows:-

THAT, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party official responder, twenty minutes for the Minority Party official responder and fifteen minutes for each other Senator speaking; and further that fifteen minutes before the time expires, the Mover shall be called upon to reply.

KEY

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

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

****- Denotes a Committee Bill**

***- Denotes any other Bill**

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APPENDIX

1. PAPER

- i.) Report of the 146th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings held in Manama, Kingdom of Bahrain, from 11th to 15th March, 2023.

(Sen. Kathuri Murungi, MP)

- ii.) Report of the Auditor General on the financial statement of the County Executive of Vihiga for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on the financial statement of the County Assembly of Vihiga for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on the financial statement of the Vihiga County Assembly Members and Staff Mortgage and Car Loans Scheme Fund for the year ended 30th June, 2022.
- v.) Report of the Auditor General on the financial statement of the County Executive of Mandera for the year ended 30th June, 2022.
- vi.) Report of the Auditor General on the financial statement of the County Assembly of Mandera for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on the financial statement of the County Government of Mandera - Receiver of Revenue for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on the financial statement of the County Government of Mandera - County Revenue Fund for the year ended 30th June, 2022.
- ix.) Report of the Auditor General on the financial statement of the Elwak Municipality in the County Government of Mandera for the year ended 30th June, 2022.
- x.) Report of the Auditor General on the financial statement of Mandera Wäter and Sewerage Company Limited for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on the financial statement of the Mandera County Education Bursary Fund for the year ended 30th June, 2022.

- xii.) Report of the Auditor General on the financial statement of the County Executive of Lamu for the year ended 30th June, 2022.
- xiii.) Report of the Auditor General on the financial statement of the County Assembly of Lamu for the year ended 30th June, 2022.
- xiv.) Report of the Auditor General on the financial statement of the County Executive of Lamu for the year ended 30th June, 2022.
- xv.) Report of the Auditor General on the financial statement of the County Government of Lamu - Receiver of Revenue – Revenue Statements for the year ended 30th June, 2022.
- xvi.) Report of the Auditor General on the financial statement of the County Revenue Fund of the County Government of Lamu for the year ended 30th June, 2022.
- xvii.) Report of the Auditor General on the financial statement of the Lamu County Gender and Social Development Fund for the year ended 30th June, 2022.
- xviii.) Report of the Auditor General on the financial statement of the Municipality of Lamu for the year ended 30th June, 2022.
- xix.) Report of the Auditor General on the financial statement of the Lamu County Emergency for the year ended 30th June, 2022.
- xx.) Report of the Auditor General on the financial statement of the Lamu County Fisheries Development Agency for the year ended 30th June, 2022.
- xxi.) Report of the Auditor General on the financial statement of the County Executive of Tana River for the year ended 30th June, 2022.
- xxii.) Report of the Auditor General on the financial statement of the County Assembly of Tana River for the year ended 30th June, 2022.
- xxiii.) Report of the Auditor General on the financial statement of the Tana River County Disaster Risk Management Fund for the year ended 30th June, 2022.
- xxiv.) Report of the Auditor General on the financial statement of the Tana River County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.
- xxv.) Report of the Auditor General on the financial statement of the Tana River County Emergency Fund for the year ended 30th June, 2022.

- xxvi.) Report of the Auditor General on the financial statement of the County Government of Tana River - County Revenue Fund for the year ended 30th June, 2022.
- xxvii.) Report of the Auditor General on the financial statement of the County Government of Garissa - County Revenue Fund for the year ended 30th June, 2022.
- xxviii.) Report of the Auditor General on the financial statement of the Garissa County Revolving Fund for the year ended 30th June, 2021.
- xxix.) Report of the Auditor General on the financial statement of the Garissa County Revolving Fund for the year ended 30th June, 2022.
- xxx.) Report of the Auditor General on the financial statement of the County Government of Garissa - Receiver of Revenue – Revenue Statements for the year ended 30th June, 2022.
- xxxi.) Report of the Auditor General on the financial statement of the County Executive of Siaya for the year ended 30th June, 2022.
- xxxii.) Report of the Auditor General on the financial statement of the County Assembly of Siaya for the year ended 30th June, 2022.
- xxxiii.) Report of the Auditor General on the financial statement of the Siaya County Education Bursary Fund for the year ended 30th June, 2022.
- xxxiv.) Report of the Auditor General on the financial statement of the Wajir County Climate Change Fund for the year ended 30th June, 2022.
- xxxv.) Report of the Auditor General on the financial statement of the County Revenue Fund of the County Government of Wajir for the year ended 30th June, 2022.
- xxxvi.) Report of the Auditor General on the financial statement of the Wajir County Disability Fund for the year ended 30th June, 2022.
- xxxvii.) Report of the Auditor General on the financial statement of the Kisumu County COVID-19 Emergency Response Fund for the year ended 30th June, 2022.
- xxxviii.) Report of the Auditor General on the financial statement of the Kisumu County Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

- xxxix.) Report of the Auditor General on the financial statement of the Kericho County Emergency Fund for the year ended 30th June, 2022.
- xl.) Report of the Auditor General on the financial statement of the Kericho County Enterprise Fund for the year ended 30th June, 2022.

2. NOTICE OF MOTION – REPORT OF THE 146TH ASSEMBLY OF THE INTER – PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN MANAMA, KINGDOM OF BAHRAIN FROM 11TH TO 15TH MARCH, 2023.
 (Sen. Kathuri Murungi, MP)

THAT, the Senate notes the Report of the 146th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings, held in Manama, Kingdom of Bahrain, from 11th to 15th March, 2023, laid on the Table of the Senate on Tuesday 2nd May, 2023.

3. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 52(1)

The Senator for Nandi County (Sen. Samson Cherarkey, MP) to make a statement on the good performance by Kenyan athletes in the London and Boston Marathons.

b) Pursuant to Standing Order 53(1)

- i.) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the destruction of crops by wildlife in Embu County.
- ii.) Nominated Senator (Sen. Crystal Asige, MP) to seek a statement from the Standing Committee on Labour and Social Welfare concerning the management and collection of music royalties in Kenya.
- iii.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Health concerning allegations of shortage of oxygen in emergency care facilities in the country.
- iv.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Tourism, Trade and Industrialization regarding the operations and financial status of Kenya Airways.

- v.) The Senator for Kirinyaga County (Sen. James Murango, MP) to seek a statement from the Standing Committee on Education concerning the establishment of a public teacher training college in Kirinyaga County.

- vi.) The Senator for Kirinyaga County (Sen. James Murango, MP) to seek a statement from the Standing Committee on Health regarding the circumstances surrounding the amputation of baby Ridhwan Yasir Noor’s fingers in Kerugoya County Referral Hospital.

- vii.) The Senator for Kirinyaga County (Sen. James Murango, MP) to seek a statement from the Standing Committee on Health regarding the delayed construction of Kenya Medical Research Institute (KEMRI), Wamumu station, in Mwea West sub-county.

NOTICE PAPER I**Tentative Business for****Wednesday, May 03, 2023 (Morning Sitting)***(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, May 03, 2023, (Morning Sitting).

A. QUESTIONS

The following Parliamentary Questions have been scheduled by the Senate Business Committee for reply by the relevant Cabinet Secretaries on Wednesday, 3rd May, 2023, at 9:30 am: -

QUESTION NO.	SENATOR	SUBJECT	MINISTRY
002	Sen. Danson Mungatana, MP	Marginalization of Tana River County in infrastructural development	Roads and Transport
007	Sen. Veronica Maina, MP	Cancellation of voyages and change of cruise ship destination from Kenya	Tourism, Wildlife and Heritage
008	Sen. Veronica Maina, MP	Suitability and capacity of Bandari College to train seafarers	Education
009	Sen. Mwenda Gataya Mo Fire, MP	Delay in land demarcation, adjudication and titling in Tharaka Nithi County	Lands, Public Works, Housing and Urban Development
010	Sen. Mwenda Gataya Mo Fire, MP	Resettlement of displaced residents of Machabeni Sub-location in Tharaka Nithi County	Lands, Public Works, Housing and Urban Development
011	Sen. John Kinyua Nderitu, MP	State of security in Laikipia County and the wider North Rift region	Interior and National Administration

...../Notice Paper

B. MOTIONS

- i.) ENHANCING HIGHWAY SAFETY AND CONVENIENCE
(Sen. Wahome Wamatinga, MP and Sen. Mohamed Faki, MP)

- ii.) ARBITRARY ARRESTS OF KENYAN FISHERMEN BY UGANDAN
AUTHORITIES
(Sen. (Dr.) Oburu Oginga, MP)

NOTICE PAPER II

Tentative Business for

Wednesday, May 03, 2023 (Afternoon Sitting)

(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, May 03, 2023 (Afternoon Sitting)

A. BILLS AT COMMITTEE OF THE WHOLE STAGE

- i.) *THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 5 OF 2022)
(Sen. Danson Mungatana, MP)
- ii.) *THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)
(Sen. Danson Mungatana, MP)
- iii.) *THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)
(Sen. Moses Kajwang', MP)
- iv.) *THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 7 OF 2022)
(Sen. Danson Mungatana, MP)

B. BILLS AT THE SECOND READING STAGE

- i.) *THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)
- ii.) *THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)
(Sen. Beth Syengo, MP)
- iii.) *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)
(Sen. Moses Kajwang' MP)
- iv.) *THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)
(Sen. Crystal Asige, MP)
- v.) *THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)
(The Chairperson, Standing Committee on Labour and Social Welfare)

C. MOTIONS

- i.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON A STATEMENT SOUGHT ON THE RELOCATION OF NATIONAL GOVERNMENT ADMINISTRATIVE SERVICES FROM CHUKA TOWN TO KATHWANA COUNTY HEADQUARTERS, THARAKA NITHI COUNTY.
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

- ii.) INSTITUTION OF MEASURES TO CURB INCESSANT HIGH ELECTRICITY COSTS IN KENYA
(Sen. Mohamed Chute, 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)
