



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

MORNING SITTING

WEDNESDAY, NOVEMBER 15, 2023 AT 9.30 AM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **MOTION - DEBATE ON THE PRESIDENT'S ADDRESS TO PARLIAMENT – (2ND DAY)**
(The Senate Majority Leader)

THAT, pursuant to Standing Order 25 (1), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Thursday, 9th November, 2023 and further that the Senate notes the following Reports submitted by H.E. the President in fulfillment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the Senate on Tuesday, 14th November, 2023 –

- i.) The Tenth (10th) State of the Nation Address by His Excellency the President delivered at a Joint Sitting of Parliament on Thursday, 9th November, 2023;

...../Motion

- ii.) The Tenth (10th) Annual Report (2022/2023), on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance; and
- iii.) The Annual Report to Parliament on the State of National Security, November 2023.

(Resumption of debate interrupted on Tuesday 14th November, 2023)

- 9. **MOTION - EXTENSION OF THE MANDATE OF THE AD HOC COMMITTEE ON THE COMPENSATION TO THE KENYA VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES OF AMERICA EMBASSY IN NAIROBI**
(Chairperson, Ad-Hoc Committee)

THAT, AWARE that at the Sitting of the Senate held on Thursday, 27th June, 2023, the Senate, resolved to establish an Ad Hoc Committee to investigate the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi and report back to the House within three months of its establishment;

REALIZING that the extension period of 45 days of the tenure of the Ad Hoc Committee lapsed on 10th November 2023, yet the Committee has a lot of work to execute to conclude in conducting the enquiry;

NOW, THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee for a further period one hundred (100) days from 10th November, 2023, to enable the Committee to finalize and table its report in the Senate on or before 18th February, 2024.

- 10. **MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**
(Sen. William Cheptumo, MP)

THAT AWARE THAT, cattle rustling is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT; the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

...../Motion

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling to:
 - (i) Investigate the causes of the rampant cattle rustling in the said region and the Country at large;
 - (ii) Establishes extent of loss and damage the cattle rustling has occasioned to the communities in all the affected Counties;
3. Create a special fund for mitigating the losses suffered by and in compensating all victims of cattle rustling and settle all internally displaced persons occasioned by the menace.

11. MOTION - REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS

(Sen. Wahome Wamatinga, MP)

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

NOTING THAT the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

COGNIZANT THAT the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavorable as a result of the high cost of living, lowered earnings from the App providers and high interest rates;

NOW THEREFORE the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

12. MOTION - 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;

...../Motion

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.

NOTICE

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

- i.) **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 that fifteen minutes before the time expires, the Mover shall be called upon to reply.

- ii.) **THAT**, pursuant to Standing Order 27 (6), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

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. NOTICE OF MOTION - EXTENSION OF THE MANDATE OF THE AD HOC COMMITTEE ON THE COMPENSATION TO THE KENYA VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES OF AMERICA EMBASSY IN NAIROBI**

(Chairperson, Ad-Hoc Committee)

THAT, AWARE that at the Sitting of the Senate held on Thursday, 27th June, 2023, the Senate, resolved to establish an Ad Hoc Committee to investigate the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi and report back to the House within three months of its establishment;

REALIZING that the extension period of 45 days of the tenure of the Ad Hoc Committee lapsed on 10th November 2023, yet the Committee has a lot of work to execute to conclude in conducting the enquiry;

NOW, THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee for a further period one hundred (100) days from 10th November, 2023, to enable the Committee to finalize and table its report in the Senate on or before 18th February, 2024.

2. QUESTIONS AND STATEMENTS**QUESTIONS**

Question No. 018

The Senator for Turkana County (Sen. James Lomenen, MP) to ask the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs:-

- (a) What are the reasons for the Kenya Government's inaction in assisting and hastening the release of the pastoralists from Turkana County, who were arrested in Uganda and charged in court martials in Moroto District in Uganda, for crossing over in search of pasture during the recent drought experienced in the country?
- (b) When will the Government intervene to ensure the release of the pastoralists?

Question No. 030

The Senator for Tharaka Nithi County (Sen. Mwenda Gataya Mo'Fire, MP) to ask the Cabinet Secretary for Roads and Transport:-

- (a) Why has project RWC 150/D474 for the construction of Kajiunduthi – Iriga – Chogoria – Weru – Mutindwa – Kiriani – Marima Road in Tharaka Nithi County stalled since its launch in 2016?
- (b) What measures is the Government taking to ensure the completion of the project, and could the Cabinet Secretary provide a timeline for this?
- (c) What stopgap measures is the Government taking to ensure that the roads remain motorable in all seasons, particularly in Gitumbani, Mutindwa, Gantwaki, Kajiunduthi, Kiriani and Marima areas?

Question No. 047

Nominated Senator (Sen. Peris Tobiko, CBS, MP) to ask the Cabinet Secretary for Roads and Transport: -

- (a) Is the Cabinet Secretary aware of the absence of speed bumps at crucial locations along the route from Imaroro to Isara in Kajiado County, particularly around market centers, schools and near bridges, which has contributed to numerous accidents in these areas?
- (b) Are there plans to erect speed bumps strategically along the route and, if so, could the Cabinet Secretary indicate the timelines for the same?

Question No. 048

Nominated Senator (Sen. Peris Tobiko, CBS, MP) to ask the Cabinet Secretary for Roads and Transport: -

Could the Cabinet Secretary state whether there are plans to upgrade the Isinya-Konza road to bitumen standard and, if so, indicate the projected timelines for the same?

Question No. 056 The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Roads and Transport: -

- (a) What Corporate Social Responsibility (CSR) activities have been done for the local communities by the contractors undertaking road construction projects in Kirinyaga County?
- (b) Could the contractors, through the Ministry of Education, consider making infrastructural improvements in at least one public primary and secondary school in the project area, as part of their CSR?

Question No. 060 The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Roads and Transport: -

- (a) Why has the project for the upgrading to bitumen standard of Mururi-Urumandi-Ngucui-Mahigaiini-Nyamindi-Kianugu-Kiumbu Road in Mwea Constituency, in Kirinyaga County, not commenced, despite the award of the contract?
- (b) Could the Cabinet Secretary indicate the status of the contract for the construction of the said project, considering the delay in its execution?
- (c) What measures is the Government taking to ensure the commencement of the project, and could the Cabinet Secretary provide a timeline for its completion?

Question No. 065 The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, CBS, MP) to ask the Cabinet Secretary for Roads and Transport: -

- (a) Could the Cabinet Secretary confirm that, following the Presidential Directive to upgrade Kakamega Airstrip to an international airport, the leadership of Kakamega County undertook public participation, obtained consent to relocate residents from the earmarked land and conducted a survey and valuation of the land for purposes of compensation?
- (b) What steps is the National Government taking to execute the Presidential Directive?

Question No. 057 The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Tourism and Wildlife: -

- (a) Could the Cabinet Secretary provide a report on all cases of human-wildlife conflict from Kirinyaga Central Constituency, in Kirinyaga County?
- (b) When will the defective electric fence, which allows wild animals from Mt. Kenya Forest to cross over into Kiandaka, Giatatha and Kwa Eliud villages in Kirinyaga County, where they attack people and destroy property, be repaired?
- (c) When will the Government pay compensation for loss of life, injuries, and property damage resulting from human-wildlife conflicts in Kirinyaga Central Constituency?

Question No. 067 The Senator for Meru County (Sen. Kathuri Murungi, MGH, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

- (a) Could the Cabinet Secretary explain why there has been a delay in the disbursement of funds to the National Health Insurance Fund (NHIF), which has led to the non-payment of approved claims of over Kshs. 11.6 Billion to beneficiaries by the NHIF?
- (b) Could the Cabinet Secretary provide timelines within which the funds will be released to the NHIF to enable timely payment of the approved claims to the intended beneficiaries?
- (c) What measures has the Government put in place to ensure the expeditious disbursement of funds to pay the pending claims, pending the planned establishment of a Social Health Insurance Fund to replace the existing National Health Insurance Fund?

NOTICE PAPER

Tentative Business for

Wednesday, November 15, 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 Wednesday, November 15, 2023 (Afternoon Sitting)

A. BILLS AT THE COMMITTEE OF THE WHOLE

- i.) *THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)
(Sen. Mariam Sheikh Omar, MP)
- ii.) *THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)
(Sen. Maureen Tabitha Mutinda, MP)
- iii.) *THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)
(Sen. Enoch Wambua, MP)
- iv.) *THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)
(Sen. Crystal Asige, MP)
- v.) *THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)
(Sen. Crystal Asige, MP)
- vi.) *THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

B. BILLS AT THE SECOND READING STAGE

- i.) **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
- ii.) ***THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)
- iii.) *THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)
(Sen. Beatrice Ogolla, MP)

- iv.) *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)
- v.) *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)
(Sen. James Kamau Murango, MP)

C. MOTIONS

- i.) DEBATE ON THE PRESIDENT’S ADDRESS TO PARLIAMENT – (3RD AND FINAL DAY)
(The Senate Majority Leader)
 - ii.) REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE EDWARD OTIENO ONYANGO DUE TO ALLEGED MEDICAL NEGLIGENCE
(The Chairperson, Standing Committee on Health)
 - iii.) REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE MAUREEN ANYANGO AT MAMA LUCY KIBAKI HOSPITAL DUE TO ALLEGED MEDICAL NEGLIGENCE
(The Chairperson, Standing Committee on Health)
 - iv.) REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE CIRCUMSTANCES THAT LED TO THE DEATH OF THE LATE MASTER TRAVIS MAINA AT KENYATTA NATIONAL HOSPITAL
(The Chairperson, Standing Committee on Health)
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