



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (THIRD SESSION)

THE SENATE

ORDER PAPER

MORNING SITTING

WEDNESDAY, NOVEMBER 13, 2024 AT 9.30 AM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. **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.

9. **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-

...../Motion

- (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.

10. **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;

...../Motion

- 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.

11. **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;

...../Motion

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.

NOTICE

The Senate resolved on 14th February, 2024 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 that fifteen minutes before the time expires, the Mover shall be called upon to reply.

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APPENDIX

QUESTIONS AND STATEMENTS

QUESTIONS

Question No. 089 The Senator for West Pokot County (Sen. Julius Murgor, CBS, MP) to ask the Cabinet Secretary for Tourism and Wildlife:

- a) How many tourists have visited Nasolot Game Reserve from January 2019 to date, and could the Cabinet Secretary state the numbers of those who resided within and outside the Reserve?
- b) Could the Cabinet Secretary provide details of the revenues collected from Nasolot Game Reserve from January 2019 to date, and indicate the amount remitted to the County Government of West Pokot?
- c) How many residents of West Pokot County have been employed in the game reserve, and could the Cabinet Secretary state the Corporate Social Responsibility (CSR) activities undertaken by the Reserve and indicate whether there are plans to enhance these activities?

Question No. 049 Nominated Senator (Sen. George Mbugua, MP) to ask the Cabinet Secretary for Health:

- a) Could the Cabinet Secretary disclose details on the agreement between Kenya and Cuba concerning the exchange programme for doctors, providing a breakdown of the costs incurred by the Government of Kenya in executing the said programme?
- b) How many doctors from Cuba have so far been deployed to Kenya under this agreement, and could the Cabinet Secretary state how many are presently serving in the country?
- c) Could the Cabinet Secretary explain the benefits the country has accrued from the programme, and outline the challenges experienced in the execution of the agreement?

Question No. 075 Nominated Senator (Sen. Peris Tobiko, CBS, MP) to ask the Cabinet Secretary for Health:

- a) What happened to the *Linda Mama* Initiative, which sought to achieve universal access to maternal and child health services?
- b) Why did the Government discontinue the *EduAfya* insurance scheme, leaving poor and vulnerable students in public secondary schools without medical cover?
- c) Are members of the National Health Insurance Fund (NHIF) able to access services in all public and private medical facilities and, if not, could the Cabinet Secretary explain the reasons for the same?

Question No. 076 The Senator for Uasin Gishu County (Sen. Jackson Mandago, EGH, MP) to ask the Cabinet Secretary for Health:

- a) Could the Cabinet Secretary explain the current shortage of childhood vaccines in the country, and provide a breakdown of the amount of each vaccine currently in stock *vis-à-vis* the demand?
- b) What steps has the Government taken to prevent emergence of preventable childhood diseases, such as measles, in light of the shortage?
- c) What mitigating actions has the Government taken to offer immediate remedy to the situation and to ensure shortages of similar vaccines or other essential medical commodities, including antimalarial and antiretroviral (ARV) medication, does not recur?
- d) Could the Cabinet Secretary provide details on donor financing arrangements between the Government and development partners, particularly the United States Agency for International Development (USAID) and the Global Fund, on the provision of vaccines and other essential medical commodities, and state any steps taken to reduce donor dependency?

Question No. 086 The Senator for Machakos County (Sen. Agnes Kavindu, MP) to ask the Cabinet Secretary for Health:

Could the Ministry consider conducting medical assessments on the surviving Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi and rolling out a special programme to enable the victims get subsidized treatment in health facilities across the country?

Question No. 087 Nominated Senator (Sen. Joyce Korir, MP) to ask the Cabinet Secretary for Health:

- a) Could the Cabinet Secretary outline any initiatives to enhance the capacity of the Kenya healthcare system to provide specialized treatment for endometriosis?
- b) What steps has the Ministry taken to raise awareness of the disease among primary healthcare providers and the general public and to address stigmatization of period pain and other symptoms of the disease?
- c) What other measures has the Government put in place to ensure early diagnosis and proper treatment of endometriosis?
- d) Could the Cabinet Secretary also explain what the Government has done to assist Kenyans who seek specialized treatment for the disease overseas, particularly in the United States of America, through the difficult and tedious visa application process?

Question No. 105 Nominated Senator (Sen. Hamida Kibwana, MP) to ask the Cabinet Secretary for Health:

- a) Have medical interns been paid their monthly stipend up to date and, if not, could the Cabinet Secretary explain the delay and state when the Government will streamline the process to guarantee timely payment?
- b) What is the Ministry doing to improve the working conditions for medical interns, who currently handle heavy workloads and work for extremely long hours under intense psychological pressure?

- c) Could the Cabinet Secretary provide an overview of the support systems and programmes currently being implemented by Government to address the physical and mental wellbeing of medical interns?
- d) Could the Cabinet Secretary also explain what the Government is doing to ensure that the mentorship programme of medical interns effectively integrates both professional development and emotional support?

Question No. 116

Nominated Senator (Sen. Catherine Mumma, MP) to ask the Cabinet Secretary for Health:

- a) Could the Cabinet Secretary provide details on the availability and affordability of life-supporting prescription drugs for Persons with Disabilities (PWDs) and persons living with seizure-related ailments, such as epilepsy?
- b) Could the Cabinet Secretary state which pharmaceutical manufacturers, suppliers and distributors are partnering with the Ministry of Health and the Kenya Medical Supplies Authority (KEMSA) to ensure the availability of these medicines, and what are the terms of their operations?
- c) What steps has the Ministry taken to ensure that these life-saving drugs are included in the essential drug list and made readily available under the existing public national health insurance schemes?

Question No. 117

The Senator for Kisumu County [Sen. (Prof.) Tom Ojienda, SC, MP] to ask the Cabinet Secretary for Health:

- a) Could the Cabinet Secretary explain the terms of engagement between personnel from the Ministry of Interior and National Administration and the Ministry of Health in the ongoing registration of Kenyans to the Social Health Authority (SHA)?
- b) What are the specific roles of the personnel in the registration process, and could the Cabinet Secretary indicate if they are receiving extra incentives and, if so, state the amount they are being paid per day?

- c) Could the Cabinet Secretary clarify whether there are established guidelines for the operations of the personnel to ensure that vulnerable persons, particularly the poor and the elderly, are not coerced or unduly influenced to register for the programme?

Question No. 121

The Senator for Kisumu County [Sen. (Prof.) Tom Ojienda, SC, MP] to ask the Cabinet Secretary for Health:

- a) Could the Cabinet Secretary provide a comparative analysis of the financial implications and benefits of the Social Health Authority (SHA) and the defunct National Health Insurance Fund (NHIF) for both the formal and informal sectors?
- b) Could the Cabinet Secretary explain how SHA has affected the health benefits previously provided under NHIF, and state how quality service delivery is prioritized over revenue generation?
- c) What is the justification for the mandatory migration of the details of NHIF contributors to SHA, and what measures have been taken to ensure data protection laws are not violated in the process?
- d) How does SHA ensure comprehensive health coverage for entire households year-round, preventing depletion of benefits by individual members?
- e) What challenges at NHIF necessitated the transition to SHA, and could the Cabinet Secretary explain the rationale behind the establishment of the three health funds under SHA, namely the Social Health Insurance Fund, the Primary Healthcare Fund and the Emergency, Chronic and Critical Illness Fund?

NOTICE PAPER

Tentative Business for Wednesday, November 13, 2024

(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 13, 2024 (Afternoon Sitting).

A. BILLS AT COMMITTEE OF THE WHOLE STAGE

- i) ****THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)
(The Senate Majority Leader)
- ii) ***THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)
(The Senate Majority Leader)
- iii) ***THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)
(Sen. Samson Cherarkey, MP – Co- Sponsor)
- iv) *THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)
(Sen. Hamida Ali Kibwana, MP)
- v) *THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)
(Sen. Mohamed Abass Sheikh, MP)
- vi) ***THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)
(The Senate Majority Leader)
- vii) *THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)
(Sen. (Dr.) Boni Khalwale, MP)
- viii) ****THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)
(The Senate Majority Leader)
- ix) ****THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 26 OF 2024)
(The Senate Majority Leader and the Senate Minority Leader)
- x) ****THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 28 OF 2024)
(The Senate Majority Leader and the Senate Minority Leader)

B. BILLS AT THE SECOND READING STAGE

- i) *THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2024) – (Division)
(Sen. Crystal Asige, MP)
- ii) *THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)) – (Division)
(Sen. Kathuri Murungi, MP)
- iii) **** THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 29 OF 2024)
(The Senate Majority Leader and the Senate Minority Leader)
- iv) ****THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO. 36 OF 2024)
(The Senate Majority Leader)
- v) **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)
(The Chairperson, Standing Committee on Labour and Social Welfare)
- vi) *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)
- vii) *THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)
(Sen. Karungo Thang’wa, MP)
- viii) *THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)
(Sen. Mohamed Chute, MP)
- ix) *THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)
(Sen. Johnes Mwaruma, MP)
- x) *THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)
(Sen. Lenku Ole Kanar Seki, MP)

C. MOTIONS

- i) REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF THE WATER SERVICE PROVIDERS FOR THE YEAR ENDED 30TH JUNE, 2019, 30TH JUNE, 2020 AND 30TH JUNE, 2021
(The Chairperson, Committee on County Public Investments and Special Funds)

- ii) REPORT OF THE MEDIATION COMMITTEE ON THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)
(The Vice-Chairperson, Mediation Committee)
- iii) CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE ACCESS TO EDUCATION IN KENYA
(Sen. Karungo Thangwa, MP)
- iv) REPORT OF THE MEDIATION COMMITTEE ON THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)
(The Vice-Chairperson, Mediation Committee)
- v) 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)
- vi) 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)
- vii) 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)
- viii) 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)
- ix) 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)
