



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

THURSDAY, FEBRUARY 23, 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. Statements (as listed in the Appendix)
8. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2022/2023**
(Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments Additional Allocations Cash Disbursement Schedule for the Financial Year 2022/2023, laid on the Table of the Senate on Thursday, 16th February, 2023, and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate approves the County Governments Additional Allocations Cash Disbursement Schedule for the Financial Year 2022/2023.

(Resumption of debate interrupted on Tuesday, 21st February, 2023)

(Division)

...../Bills

- 9. ***THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)**
(Sen. Moses Kajwang’, MP)

(Second Reading)

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

(Second Reading)

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

(Second Reading)

- 12. ***THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 7 OF 2022)**
(Sen. Danson Mungatana, MP)

(Second Reading)

- 13. **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;

...../Motion

NOTING THAT, while the Government, through the State Department for Gender Affairs was charged with the responsibility of procuring and

distributing sanitary towels for 3.7 million girls in public primary schools, special primary and secondary schools in the country at a cost of Kshs. 470 million during the 2017/2018 Financial year, which amount needs to be increased in order to fully address and mitigate the problem;

NOW THEREFORE, the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action in partnership with the Ministry of Education and the Council of Governors to:-

1. facilitate provision of feminine hygiene products in all public schools;
2. ensure that all schools that don't have bathrooms that facilitate privacy, cleanliness or proper disposal of hygiene products are properly equipped;
3. create awareness and take advocacy measures on reproductive health issues related to period poverty;
4. include in the curriculum a dedicated lesson per week to teach girls on menstrual hygiene; and
5. ensure that sanitary products will be obtainable timely, consistently, and in a way that respects the dignity of concerned persons.

14. **MOTION – INSTITUTION OF MEASURES TO CURB INCESSANT HIGH ELECTRICITY COSTS IN KENYA**
 (Sen. Mohamed Chute, MP)

THAT, AWARE THAT energy is an essential factor of production and its total consumption is a major determinant of performance of the economy with its cost and reliability spurring or stifling economic growth;

FURTHER AWARE THAT there has been a significant growth in the demand for electricity in Kenya driven by economic growth and increased efforts towards rural electrification while the supply has been constrained due to, among other factors, the overreliance on hydro-electric power generating plants that have been negatively impacted by perennial drought experienced in the country;

NOTING THAT the imbalance in the demand and supply of power coupled with payments by the Kenya Power and Lighting Company (KPLC) for produced power not consumed and fluctuation in the foreign exchange rates contribute to the high cost of electricity;

...../Motion

APPRECIATING THAT Kenya has made strides in diversifying its power sources with geothermal plants, offering tremendous potential for zero-carbon source of power, already producing nearly one (1) Gigawatt (GW) of power;

CONCERNED THAT private power generating companies popularly referred to as Independent Power Producers (IPPs) only supply 28% of power to KPLC but account for 47% of power purchase costs calling for the need to enhance energy management in Kenya;

NOW THEREFORE the Senate resolves that the:

a) Standing Committee on Energy to undertake an inquiry into: -

- i. Contracts signed by IPPs, detailing the cost, capacity and duration of the contractual agreements and their implications on affordability of electricity in the country;
- ii. Discrepancy in the cost of electricity sold to Kenya Power by KenGen, imports from Ethiopia and IPPs; and
- iii. The diversion of the electricity generated by Lake Turkana Wind Power to the national grid, bypassing the inadequately supplied northern frontier counties of Marsabit and Samburu.

b) Ministry of Energy to come up with a policy framework aimed at:-

- i. Lowering the cost of electricity as a way of addressing the high cost of living; and
- ii. Enhancing clean energy by switching to renewable sources of energy such as geothermal power, wind energy, among others as a way of reducing the carbon footprint.

15. MOTION - ENHANCING HIGHWAY SAFETY AND CONVENIENCE

(Sen. Wahome Wamatinga, MP and Sen. Mohamed Faki, MP)

THAT, AWARE THAT 67% of road crash fatalities and injuries in the country comprise of the economically productive age groups of 15 - 64 years, and that the importance of good post-crash care reduces deaths and disability and the suffering for road crash survivors creates the urgent need for effective emergency medical care system elements and processes on our highways;

...../Motion

FURTHER AWARE THAT lives and properties are lost or irreparably damaged daily on major highways in the country due to accidents and explosion of fuel tankers, and the lack of accessible roadside amenities such as medical clinics, rescue centers, fire engines and ambulances hamper efforts to mitigate the carnage caused by the accidents, rescue lives and put out fires;

COGNIZANT THAT setting up safe stopping points for road users at regular intervals with the necessary road-side amenities such as fuel stations, parking spaces, restaurants, telephone booths, minor repair shops, medical facilities, and toilets enhances total travel experience and the lack of these points make it impractical for drivers to stop as often as they would wish to resulting into driving-related fatigue, a significant contributor to accidents on the highways;

FURTHER COGNIZANT THAT provision of amenities such as ambulances, firetrucks and satellite medical clinics to provide emergency services to road accident victims would save lives lost daily on major roads;

ACKNOWLEDGING THAT governments across the world have taken on the task of setting up such amenities through incorporation of the basic provisions in their road transport infrastructure through different models of Public Private Partnership (PPP), lease, or ownership;

NOW THEREFORE the Senate resolves that: -

- i) The Kenya National Highway Authority, in collaboration with the Council of Governors to come up with a policy framework on the incorporation of road reserves for road-side amenities in all highway designs;
- ii) The Ministries of Health, Roads, Transport and Public Works in conjunction with the Council of Governors to undertake a survey to ascertain the specific amenities required but not available on the existing highways such as satellite medical clinics, firetrucks and ambulances, and identify the most convenient locations to develop them; and
- iii) The Ministry of Roads and Transport in conjunction with the Council of Governors to develop Public Private Partnership guideline on leasing of the road reserves to developers, financing the construction of the amenities, and the packaging of incentives to attract investors.

...../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**

-----**XXX**-----

1. PAPERS

- i.) Annual Report of the Parliamentary Service Commission for the financial year 2021/2022.

(The Vice-Chairperson, Parliamentary Service Commission)

- ii.) Report of the Parliament of Kenya Delegation to the 145th Assembly and Related meetings of the Interparliamentary Union (IPU), held from 11th to 15th October, 2022, in Kigali, Rwanda.

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

2. NOTICES OF MOTION

- i.) **DROUGHT MITIGATION PROGRAMME IN PUBLIC SCHOOLS**
(Sen. Enoch Wambua, MP)

AWARE THAT, Kenya is experiencing the most intense, severe and alarming drought in forty (40) years, as a result of the failure of four consecutive rainy seasons, affecting more than twenty (20) counties in arid and semi-arid lands (ASAL);

FURTHER AWARE THAT, more than 4.2 million people representing 24% of the ASAL population are facing high levels of acute food insecurity, with about 2.7 million in crisis phase and 785,000 people in emergency state;

NOTING THAT, the national and county governments, both local and international development partners and philanthropists have made attempts to respond to the dire situation occasioned by the severe drought;

CONCERNED THAT, thousands of children did not attend school during the third term of the academic year 2022 and beginning of 2023 as a result of the ongoing drought;

NOW THEREFORE, the Senate urges: -

1. the Ministry of East African Community (EAC), the ASALs and Regional Development to develop immediate and long-term interventions to alleviate the ravaging effects of drought and hunger periodically affecting the country and more severely the ASAL areas;
2. the Ministry of Education, in conjunction with the Council of Governors, to establish modalities to ensure no learners are sent away from schools due to lack of school fees to ensure that children from vulnerable families have access to education; and

...../Appendix

3. the Ministry of Education, in conjunction with the Council of Governors to implement effective school feeding programmes to ensure that children from vulnerable families in drought-hit regions have access to at least one hot meal per day and that no child misses class due to lack of food.

ii.) **COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES EMBASSY IN NAIROBI**
(Sen. Agnes Kavindu, MP)

THAT, AWARE THAT, disaster is defined as an overwhelming event and circumstance that tests the adaptation of responses of a community or individuals beyond their capability and leads momentarily to massive disruption of function for a community or individual that often exceeds their capacity to cope using existing resources;

FURTHER AWARE THAT, such was the case with the 1998 US Embassy Bomb disaster in Nairobi in which many of the Kenyan casualties resulted from the collapse of adjacent buildings located within a two to three block radius, and with reverberations being felt in most parts of Nairobi that resulted in 213 Kenyans and 12 Americans killed and over 5000 citizens of both countries being seriously injured;

NOTING THAT, US Allies, including Kenya, have endured the great burden of death, and long-term and in many instances permanent, physical and psychological injury;

FURTHER NOTING THAT, the United States Government has since compensated some of the victims and families of US citizens, leaving the families of Kenyan citizens and certain other victims uncompensated;

NOW, THEREFORE, the Senate resolves that the Ministry of Foreign Affairs:

- (i) Advances friendship and co-operation between the United States and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kin in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act; and
- (ii) Partners with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast.

...../Appendix

iii.) **RECORD OF THE PROCEEDINGS OF THE FIRST ORDINARY SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN**

PARLIAMENT (PAP) HELD IN GALLAGHER CONVENTION CENTRE, MIDRAND, SOUTH AFRICA ON 23RD OCTOBER – 12TH NOVEMBER, 2022.

(Sen. Danson Mungatana, MP)

THAT, the Senate notes the Record of the Proceedings of the First Ordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP) held in Gallagher Convention Centre, Midrand, South Africa on 23rd October – 12th November, 2022 laid on the Table of the Senate on Thursday, 16th February, 2023

iv.) **REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 145TH ASSEMBLY AND RELATED MEETINGS OF THE INTERPARLIAMENTARY UNION (IPU), HELD FROM 11TH TO 15TH OCTOBER, 2022, IN KIGALI, RWANDA.**

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

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 145th Assembly and Related meetings of the Interparliamentary Union (IPU), held from 11th to 15th October, 2022, in Kigali, Rwanda laid on the Table of the Senate on Thursday, 23rd February, 2023.

3. STATEMENTS

a) Pursuant to Standing Order 53(1)

- i.) The Senator for Kisumu County (Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding misuse of firearms by officers of the Kenya Wildlife Service in Kisumu county.
- ii.) The Senator for Kisumu County (Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the status of construction of Koru-Soin dam.
- iii.) The Senator for Kisumu County (Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning threat to human life and destruction of farm crops by hippopotamuses in the paddy fields of West Kano irrigation scheme in Kisumu county.

...../Appendix

- iv.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to seek a statement from the Standing Committee Health concerning an alleged plan by the Ministry of Health to restrict

health workers from seeking employment opportunities abroad.

- v.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a statement from the Standing Committee on Labour and Social Welfare concerning non-remittance of statutory deductions from the staff of the County Government of Marsabit to the Statutory bodies.
- vi.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Finance and Budget concerning the re-introduction of bank charges on mobile wallets.

b) Pursuant to Standing Order 57 (1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 28th February, 2023.

...../Notice Paper

NOTICE PAPER

Tentative Business for

Tuesday, February 28, 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 Tuesday, February 28, 2023.

MOTIONS

- (i) Adoption of the Report of the Standing Committee on Finance and Budget on the 2023 Budget Policy Statement and Medium Term Debt Management Strategy
- (ii) Approval for appointment to the position of a Male Non-Member Commissioner of the Parliamentary Service Commission
