



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**ORDER PAPER**

**THURSDAY, MAY 04, 2023 AT 2.30 PM**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. **\*THE AGRICULTURE AND FOOD SECURITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)**  
(Sen. James Murango, MP)

*(First Reading)*

9. **\*\*THE EQUALIZATION FUND (ADMINISTRATION) BILL (SENATE BILLS NO.14 OF 2023)**  
(The Chairperson, Standing Committee on Finance and Budget)

*(First Reading)*

10. **\*THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO.15 OF 2023)**  
(Sen. Beth Syengo, MP)

*(First Reading)*

...../Bills

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

(The Chairperson, Standing Committee on Finance and Budget)

*(Second Reading)*

***(Resumption of debate interrupted on Tuesday, 2<sup>nd</sup> May, 2023)***

***(Division)***

12. **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, 28<sup>th</sup> 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.

***(Resumption of debate interrupted on Tuesday, 2<sup>nd</sup> May, 2023)***

***(Division)***

13. **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;

...../Motion

**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;
- 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 Wednesday, 3<sup>rd</sup> May, 2023 –  
Morning Sitting)  
(Question to be put)***

14. **\*THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)**

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

*(Second Reading)*

***(Resumption of debate interrupted on Wednesday, 3<sup>rd</sup> May, 2023 –  
Afternoon Sitting)***

15. **MOTION - 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)

**THAT**, the Senate adopts 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 laid on the Table of the Senate, on Wednesday 19<sup>th</sup> April, 2023.

...../Motion

*(Resumption of debate interrupted on Wednesday, 3<sup>rd</sup> May, 2023 –  
Afternoon Sitting)*

16. 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:

- (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 Tuesday, 2<sup>nd</sup> May, 2023 –  
Balance of time – 1hr 46mins)*

...../Motion

17. **MOTION - REVIEW OF THE MINIMUM WAGE NECESSITATED BY HIGH COST OF LIVING**

(Sen. Karen Nyamu, MP)

**THAT, AWARE THAT** minimum wages in Kenya are specified as part of a national wage policy and guided by the Regulation of Wages and Conditions of Employment Act (CAP 229) aimed at reducing poverty as well as protecting and promoting the living standards of workers;

**CONCERNED THAT**, despite the increase in Kenya’s minimum wage in May 2022 by 12% to help workers cope with the surge in consumer prices, the current inflation rates have had a knock-on effect on the cost of living and doing business in the country with the prices of goods, household energy bills, and transport remaining stubbornly high;

**NOW THEREFORE** the Senate resolves that the Cabinet Secretary for Labour and Social Protection engages all stakeholders including the General Wages Advisory Board (GWAB) and the Agricultural Wages Advisory Board (AWAB) with a view of raising the minimum wage by at least 50% as from 1<sup>st</sup> May, 2023.

18. **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.

...../Motion

19. **MOTION – ACCELERATING THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOALS (SDGs)**

(Sen. Catherine Mumma, MP)

**AWARE THAT**, the 2030 agenda for Sustainable Development adopted by all United Nations Member States in 2015 provides a shared global blueprint aimed at ending poverty, protecting the earth’s environment and climate and ensuring that people everywhere enjoy peace and prosperity;

**APPRECIATING THAT**, the implementation of the 2030 agenda for Sustainable Development in Kenya started by the official launch of the Sustainable Development Goals (SDGs) in Kenya in 2016 followed by the development of the Country SDGs roadmap to guide the transition from Millennium Development Goals to SDGs and the mainstreaming of the SDGs at both the National and County Governments;

**CONCERNED THAT**, the implementation of the 2030 agenda for sustainable Development in Kenya has been affected negatively by shocks such as continued drought since 2019 in Kenya and around the world, serious invasion by desert locusts, the COVID-19 pandemic and other public health calamities and the current strained state of the Kenyan economy;

**NOW THEREFORE**, the Senate resolves that the State Department for Economic Planning in consultation with the Council of Governors comes up with reviewed implementation roadmaps for the two levels of Government taking into account the shocks that have impeded or any other that are likely to impede the implementation of the 2030 agenda for Sustainable Development.

20. **MOTION - INTEGRATION OF ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES IN KENYA**

(Sen. William Cheptumo, MP)

**AWARE THAT**, Kenya is a multi-ethnic country with a rich diversity of cultures, languages and traditions;

**FURTHER AWARE THAT**, ethnic minorities and marginalized communities face significant social, economic and political challenges including discrimination, marginalization and exclusion;

**ACKNOWLEDGING THAT** Articles 10 (2)b, 21(3), 27, 56, 91(1)(e), 100, 174(e), 177(1) (c),204(3)(b),216(4) and the Fifth Schedule to the Constitution of Kenya obligate the state to promote and protect the welfare of ethnic minorities and marginalized communities;

**APPRECIATING THAT**, the Government has put in place policies, legal and institutional frameworks including affirmative action programs to address

...../Motion

the needs of other special interest groups namely children, persons with disabilities (PWDS), youth, women and the elderly;

**CONCERNED THAT**, ethnic minorities and marginalized communities remain largely unaddressed through similar interventions due to lack of an existing national policy and legislative framework;

**NOW THEREFORE** the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action, the National Gender and Equality Commission and any other relevant state departments in collaboration with the Council of Governors: -

- i.) Initiate measures to identify and address the specific needs and challenges faced by ethnic minorities and marginalized communities in Kenya; and
- ii.) Develop and implement national policy and legislative framework for the integration of ethnic minorities and marginalized communities in Kenya as envisaged in the Constitution of Kenya.

21. **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;

**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;

...../Motion

- 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.

22. **MOTION – STATE OF MENTAL HEALTH OF POLICE OFFICERS**

(Sen. Hamida Kibwana, MP)

**AWARE THAT**, police officers are usually first responders and are often exposed to traumatic scenes and chronic stressors such as, dangerous situations, injuries and violence coupled with the need to report and testify about psychologically stressful scenes;

**COGNIZANT OF**, a survey done by the National Police Service Commission in 2022 which indicated that at least 12 to 13 percent of the 110,000 police officers have mental health challenges stemming from work related issues;

**CONCERNED THAT**, there has been a recent spike of incidents involving police officers, including murder and suicide which have been linked to the state of mental wellbeing;

**NOW THEREFORE**, the Senate urges the National Government and the National Police Service through the Ministry of Interior and National Administration to –

1. declare the current mental health situation within the police service a national emergency;
2. urgently establish a specialized facility to cater for police officers with mental illness;
3. develop and implement policies to reduce the stigma surrounding mental health issues within law enforcement agencies and encourage officers to seek help when needed; and
4. prioritise mental health as a priority health and socio-economic agenda within the Police Service and that in cases of deployment and transfers the service considers the health of the affected officers.

...../Motion



23. **MOTION - REPORT OF THE 61<sup>ST</sup> SESSION OF THE ORGANISATION OF AFRICAN, CARRIBEAN AND PACIFIC STATES (OACPS) PARLIAMENTARY ASSEMBLY AND THE 42<sup>ND</sup> SESSION OF THE OACPS -EU JOINT PARLIAMENTARY ASSEMBLY HELD IN MAPUTO, MOZAMBIQUE ON 23<sup>RD</sup> OCTOBER TO 2<sup>ND</sup> NOVEMBER, 2022**

(Sen. Tabitha Mutinda, MP)

**THAT**, the Senate notes the Report of the 61st Session of the Organisation of African, Carribean and Pacific States (OACPS) Parliamentary Assembly and the 42nd Session of the OACPS -EU Joint Parliamentary Assembly held in Maputo, Mozambique on 23rd October to 2nd November, 2022.

24. **MOTION - 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 23<sup>RD</sup> OCTOBER – 12<sup>TH</sup> 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 23<sup>rd</sup> October – 12<sup>th</sup> November, 2022 laid on the Table of the Senate on Thursday, 16<sup>th</sup> February, 2023.

25. **MOTION – ADJOURNMENT OF THE SENATE**

(The Senate Majority Leader)

**THAT**, pursuant to Standing Order 31 (3), the Senate do adjourn until Tuesday, 23<sup>rd</sup> May, 2023.

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**NOTICE**

The Senate resolved on 15<sup>th</sup> 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**, notwithstanding the provisions of Standing Order 111 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

**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. PETITION**

Petition to the Senate by Ms. Ann Gitau on behalf of Kajiado Municipality Clothes Market Traders concerning the refurbishment and expansion of Kajiado municipality market by the County Government of Kajiado.

*(Sen. Seki Lenku, MP)*

**2. PAPERS**

- i.) Report of the Auditor General on the financial statement of the Kiambu County Education Bursary Fund for the year ended 30<sup>th</sup> June, 2022.
- ii.) Report of the Auditor General on the financial statement of the Limuru Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2022.

*(The Senate Majority Leader)*

- iii.) Report of the Standing Committee on Trade, Industrialization and Tourism concerning its consideration of the Startup Bill (Senate Bills No. 14 of 2022).

*(The Chairperson, Standing Committee on Trade, Industrialization and Tourism)*

**3. QUESTIONS AND STATEMENTS**

**STATEMENTS**

**a) Pursuant to Standing Order 52(1)**

Nominated Senator (Sen. Catherine Mumma, MP) to make a statement concerning Neglected Tropical Diseases (NTDs) prevalence in tropical and sub-tropical regions.

**b) Pursuant to Standing Order 53(1)**

- i.) Nominated Senator (Sen. Esther Okenyuri, MP) to seek a statement from the Standing Committee on Education, regarding the delayed payment of teachers who invigilated and marked the 2022 KCPE and KCSE examinations.
- ii.) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing concerning lack of a bridge connecting Embu and Kitui Counties on the River Tana.

- iii.) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya, MP) to seek a statement from the Standing Committee on Energy regarding connection of electricity in Tharaka Nithi County.
- iv.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Health regarding the status of the multi-billion shillings Medical Equipment Services (MES) leased to counties.

**c) Pursuant to Standing Order 56(1)**

The Chairperson Standing Committee on Roads, Transportation and Housing to issue a statement concerning the status of legislative business before the Committee.

**d) 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, 23<sup>rd</sup> May, 2023.

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**NOTICE PAPER**

**Tentative Business for**

**Tuesday, May 23, 2023**

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*(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, May 23, 2023.

**A. BILLS AT SECOND READING STAGE**

- i.) \*\*THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 16 OF 2023)  
(The Chairperson, Standing Committee on Finance and Budget)
- ii.) \*\*THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)  
(Sen. Samson Cherarkey, MP)
- iii.) \*THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)  
(Sen. Maureen Tabitha Mutinda, MP)
- iv.) \*THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)  
(Sen. Enoch Wambua, MP)
- v.) \*THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)  
(Sen. Crystal Asige, MP)
- vi.) \*THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)  
(Sen. Wakili Hillary Sigei, MP)
- vii.) \*THE KONZA TECHNOPOLIS BILL (SENATE BILLS NO. 2 OF 2023)  
(Sen. Gloria Orwoba, MP)
- viii.) THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)  
(Sen. Beth Syengo, MP)
- ix.) \*THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)  
(Sen. Moses Kajwang' MP)

**B. MOTIONS**

- i.) INSTITUTION OF MEASURES TO CURB INCESSANT HIGH ELECTRICITY COSTS IN KENYA  
(Sen. Mohamed Chute, MP)
- ii.) DROUGHT MITIGATION PROGRAMME IN PUBLIC SCHOOLS  
(Sen. Enoch Wambua, MP)
- iii.) BAN ON THE CULTIVATION OF EUCALYPTUS TREES ON RIPARIAN LANDS  
(Sen. James Kamau Murango, MP)

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