



REPUBLIC OF KENYA

THE SENATE

PROGRAMME OF SENATE BUSINESS

WEEK COMMENCING TUESDAY, NOVEMBER 21, 2023

*** 13TH PARLIAMENT * 2ND SESSION**

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REPUBLIC OF KENYA

THE SENATE

THIRTEENTH PARLIAMENT - SECOND SESSION

PROGRAMME OF SENATE BUSINESS FOR THE WEEK
COMMENCING TUESDAY, NOVEMBER 21, 2023

TUESDAY Communication from the Chair, Messages, Petitions,
21/11/2023 Papers, Notices of Motion, Statements, Motions, and Bills.

A. MOTION – REPORT OF THE STANDING COMMITTEE ON
DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON
THE APPLICATION FOR CONFERMENT OF CITY STATUS TO
THE MUNICIPALITY OF ELDORET

(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 the application for conferment of city status to the Municipality of Eldoret laid on the table of the Senate on Wednesday, September 20, 2023 and pursuant to Section 8(6) of the Urban Areas and Cities Act, 2011 the Senate approves the conferment of City status to the Municipality of Eldoret.

(Resumption of debate interrupted on Thursday 19th October, 2023)
(Division)

B. *THE CARE AND PROTECTION OF CHILD PARENTS BILL
(SENATE BILLS NO. 29 OF 2023)

(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 16th November, 2023)
(Division)

C. **THE EQUALIZATION FUND APPROPRIATION BILL, (SENATE BILLS NO. 30 OF 2023)

(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

*(Resumption of debate interrupted on Wednesday 18th October, 2023 –
Afternoon Sitting)*

(Division)

D. **THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)

(Sen. Samson Cherarkey, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday 2nd November, 2023)

E. **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

(Second Reading)

(Resumption of debate interrupted on Thursday, 16th November, 2023)

F. *THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)**

(The Senate Majority Leader)

(Second Reading)

G. **THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)

(Sen. Wakili Hillary Sigei, MP)

(Second Reading)

H. **THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)

(Sen. Moses Kajwang' MP)

(Second Reading)

I. **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)

(The Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

J. MOTION - REPORT OF THE AD-HOC COMMITTEE TO INVESTIGATE THE PROLIFERATION OF RELIGIOUS ORGANISATIONS AND CIRCUMSTANCES LEADING TO MORE THAN 95 DEATHS IN SHAKAHOLA, KILIFI COUNTY.

(Chairperson of the Ad-Hoc Committee)

THAT, the Senate adopts the Report of the Ad-Hoc Committee to investigate the proliferation of religious organisations and circumstances leading to more than 95 deaths in Shakahola, Kilifi County laid on the Table of the Senate on Thursday, 19th October, 2023.

K. 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.

L. Any Other Business

WEDNESDAY

22/11/2023

(Morning Sitting)

Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Questions, Motions, Bills and any other Business not concluded on Tuesday, 21st November, 2023.

A. QUESTIONS

| QUESTION NO. | SENATOR | SUBJECT | MINISTRY |
|---------------------|-----------------------------------|---|---------------------|
| 030 | Sen. Mwenda Gataya Mo Fire, MP | Status of completion of stalled Project No. RWC 150/D474 for the construction of a road in Tharaka Nithi County | Roads and Transport |
| 047 | Sen. Peris Tobiko, CBS, MP | Absence of speed bumps along Imaroro-Isara route in Kajiado County | Roads and Transport |

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|-----|-------------------------------|---|---|
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| 048 | Sen. Peris Tobiko, CBS, MP | Upgrading of Isinya-Konza road to bitumen standard | Roads and Transport |
| 056 | Sen. James Murango, MP | CSR activities done by contractors undertaking road construction in Kirinyaga County | Roads and Transport |
| 060 | Sen. James Murango, MP | Status of completion of the stalled project of upgrading to bitumen standard of a road in Mwea Constituency, Kirinyaga County | Roads and Transport |
| 065 | Sen. (Dr.) Boni Khalwale, MP | Upgrade of Kakamega Airstrip to an international airport | Roads and Transport |
| 067 | Sen. Kathuri Murungi, MGH, MP | Delay in the disbursement of funds to the National Health Insurance Fund (NHIF) | The National Treasury and Economic Planning |
| 074 | Sen. Richard Onyonka, MP | Terms of the Government-to-Government (G-to-G) agreement for the supply of fuel between Kenya and the Gulf countries | The National Treasury and Economic Planning |
| 070 | Sen. William Kisang, MP | Use of sports training camps in the country by foreign athletes | Youth Affairs and Sports |
| 071 | Sen. James Murango, MP | Delay in the completion of the project for the construction of Wang'uru International Stadium in Kirinyaga County | Youth Affairs and Sports |
| 072 | Sen. Richard Onyonka, | Utilization of public funds in organizing and hosting the | Youth Affairs |

| | | | |
|-----|-----------------------------|---|--------------------------|
| | MP | 2023 WRC Safari Rally | and Sports |
| 073 | Sen. Richard Onyonka, MP | Utilization of funds at the Sports, Arts and Social Development Fund (SASDEF) | Youth Affairs and Sports |

B. 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;

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.

C. 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.

D. 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;
- 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.

E. Any Other Business

WEDNESDAY **Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions, Bills and any other Business not concluded on Wednesday, 21st November, 2023.**
 22/11/2023
 (Afternoon Sitting)

A. COMMITTEE OF THE WHOLE

***THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)**
 (Sen. Mariam Sheikh Omar, MP)

B. COMMITTEE OF THE WHOLE

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

C. COMMITTEE OF THE WHOLE

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

D. COMMITTEE OF THE WHOLE

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

E. COMMITTEE OF THE WHOLE

***THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)**
 (Sen. Crystal Asige, MP)

F. COMMITTEE OF THE WHOLE

***THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)**
 (Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

G. *THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)

(Sen. Beatrice Ogolla, MP)

(Second Reading)

H. *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)

(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

I. *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)

(Sen. James Kamau Murango, MP)

(Second Reading)

J. THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)

(The Senate Majority Leader)

(Second Reading)

K. MOTION - 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)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the death of Late Edward Otieno Onyango, due to alleged medical negligence, laid on the table of the Senate on Wednesday, 31st May, 2023.

L. MOTION - 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)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the death of the late Maureen Anyango at Mama Lucy Kibaki Hospital due to alleged medical negligence, laid on the table of the Senate on Wednesday, 31st May, 2023.

M. MOTION - 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)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the circumstances that led to the death of the late Master Travis Maina at Kenyatta National Hospital, laid on the table of the Senate on Wednesday, 31st May, 2023.

N. Any Other Business

THURSDAY

23/11/2023

Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions, Bills and any other Business not concluded on Wednesday, 22nd November, 2023.

A. *THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)

(Sen. Karungo Wa Thang'wa, MP)

B. *THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)

(Sen. Mohamed Chute, MP)

C. *THE REAL ESTATE REGULATION BILL (SENATE BILLS NO. 35 OF 2023)

(Sen. Allan Kiprotich Chesang, MP)

D. *THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2023)

(Sen. Godfrey Osotsi, MP)

E. *THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)

(Sen. Boni Khalwale, MP)

F. *THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)

(Sen. Hamida Ali Kibwana, MP)

G. *THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)

(Sen. Esther Anyieni Okenyuri, MP)

H. *THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)

(Sen. Edwin Sifuna, MP)

I. MOTION - DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA

(Sen. Catherine Mumma, MP)

AWARE THAT the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination;

FURTHER AWARE THAT Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects;

CONCERNED THAT inadequate attention to social risks in the planning and implementation of development projects at both national and county levels makes them unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks;

NOW, THEREFORE, the Senate resolves that:

1. The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and
2. The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

J. Any Other Business

TUESDAY
28/11/2023

**Communication from the Chair, Messages, Petitions, Papers,
Notices of Motion, Statements, Motions and Bills.**

A. **THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS)
BILL (SENATE BILLS NO. 22 OF 2023)**

(The Senate Majority Leader)

(Second Reading)

**B. MOTION - 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
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 region have access to at least one hot meal per day and that no child misses' class due to lack of food.

C. MOTION - URBAN PLANNING FOR SUSTAINABLE LIVING

(Sen. Mohamed Faki Mwinyihaji, MP)

THAT, AWARE THAT rapid urbanization, as experienced in most Kenyan towns, contributes to a significant portion of greenhouse gas emissions leading to environmental degradation;

FURTHER AWARE THAT factors associated with urbanization, including changes to a more sedentary lifestyle, diet, and environment, have resulted in an increase in the prevalence of non-communicable diseases such as cardiovascular disease, diabetes, and cancer;

APPRECIATING THAT prioritizing sustainability and environmental responsibility creates livable, healthy, and resilient communities for present and future generations;

NOW THEREFORE, the Senate urges the:

- i.) Ministry of Roads and Transport to review the standards for construction of public roads to require the incorporation of dedicated lanes and tracks for exclusive use by non-motorized forms of transport to encourage their use for reduced air and noise pollution and improved overall public health;
- ii.) Ministry of Environment and Forestry and the Ministry of Roads and Transport, in collaboration with the Council of Governors to develop a policy framework to mitigate the impact of climate change by guiding the:-
 - a. dedication of sections of the respective CBDs on specified days as car- free zones to encourage more walking and a healthier lifestyle;
 - b. designation and maintenance of green spaces such as parks and community gardens within urban centres; and,
 - c. sensitization of the public on sustainable living and environmental responsibility.

A. Any Other Business

KEY

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

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

**** - Denotes a Committee Bill**

*** - Denotes any other Bill**