



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, NOVEMBER 29, 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. **MOTION - 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 30<sup>TH</sup> JUNE, 2019, 30<sup>TH</sup> JUNE, 2020 AND 30<sup>TH</sup> JUNE, 2021.**  
(The Chairperson, Committee on County Public Investments and Special Funds)

**THAT**, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the year ended, 30<sup>th</sup> June, 2019, 30<sup>th</sup> June, 2020 and 30<sup>th</sup> June, 2021 of the following Water Service Providers-

- i.) Amatsi Water Services Company Limited - Vihiga County;
- ii.) Bomet Water Company Limited – Bomet County;
- iii.) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- iv.) Kisumu Water and Sanitation Company Limited –Kisumu County;
- v.) Kwale Water and Sewerage Company Limited – Kwale County; and
- vi.) Nyeri Water and Sanitation Company Limited – Nyeri County

and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2021, laid on the Table of the Senate on Thursday, 23<sup>rd</sup> November, 2023.

...../Motion

9. **MOTION - REPORT OF THE 146<sup>TH</sup> ASSEMBLY OF THE INTER - PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN MANAMA, KINGDOM OF BAHRAIN FROM 11<sup>TH</sup> TO 15<sup>TH</sup> MARCH, 2023.**  
(Sen. Kathuri Murungi, MP)

**THAT**, the Senate notes the Report of the 146<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings, held in Manama, Kingdom of Bahrain, from 11<sup>th</sup> to 15<sup>th</sup> March, 2023, laid on the Table of the Senate on Tuesday 2<sup>nd</sup> May, 2023.

10. **MOTION - REPORT OF THE SECOND ORDINARY SESSION OF THE 6<sup>TH</sup> PAN-AFRICAN PARLIAMENT (PAP) HELD IN MIDRAND SOUTH AFRICA FROM 15<sup>TH</sup> MAY TO 2<sup>ND</sup> JUNE, 2023**  
(Sen. Danson Mungatana, MP)

**THAT**, the Senate adopts the Report of the Second Ordinary Session of the 6<sup>th</sup> Pan-African Parliament (PAP) held in Midrand South Africa from 15<sup>th</sup> May to 2<sup>nd</sup> June, 2023 laid on the Table of the Senate on Tuesday, 1<sup>st</sup> August, 2023.

11. **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:

...../Motion

- (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.

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;

**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.

...../Motion

13. **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.

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

(Sen. Beatrice Ogolla, MP)

*(Second Reading)*

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

(Sen. Miraj Abdillahi Abdulrahman, MP)

*(Second Reading)*

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

(Sen. James Kamau Murango, MP)

*(Second Reading)*

17. **\*\*\*THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**

(The Senate Majority Leader)

*(Second Reading)*

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**NOTICE**

The Senate resolved on 15<sup>th</sup> 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 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**

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**APPENDIX**

**1. PETITION**

Report to the Senate on a Petition by Hon. Simon Lenguiya concerning the academic qualifications required for one to be a Speaker of a County Assembly, the Senate, or the National Assembly.

*(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)*

**2. PAPER**

Report of the Auditor General on financial statement of Mwingi Level 4 Hospital (County Government of Kitui) for the year ended 30<sup>th</sup> June, 2022.

*(The Senate Majority Leader)*

**3. QUESTIONS AND STATEMENTS**

**a) Requests for statements pursuant to Standing Order 53(1)**

- i.) Nominated Senator (Sen. Crystal Asige, MP) to seek a statement from the Standing Committee on Education regarding the rampant discrepancies in the 2023 Kenya Certificate of Primary Examination (KCPE) results.
- ii.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to seek a statement from the Standing Committee on Finance and Budget concerning restrictions imposed on taxpayers by the Kenya Revenue Authority (KRA).
- iii.) The Senator for Turkana County (Sen. James Lomenen, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the insufficiency of National Police Reservists in curbing insecurity in Turkana County and surrounding regions.
- iv.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing concerning the state of operational capacity of Kisumu International Airport.
- v.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism regarding trade viability of Kisumu International Airport.

**b) Statements by Committee Chairpersons pursuant to Standing Order 56(1) (b)**

- i.) The Chairperson, Standing Committee on Energy to make a statement relating to the activities of the Committee for the period July to December, 2023.
- ii.) The Chairperson, Standing Committee on Finance and Budget to make a statement relating to the activities of the Committee for the period July to December, 2023.
- iii.) The Chairperson, Standing Committee on Health to make a statement relating to the activities of the Committee for the period July to December, 2023.

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# **NOTICE PAPER**

## **Tentative Business for**

**Thursday, November 30, 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 Thursday, November 30, 2023.

### **BILLS AT THE SECOND READING STAGE**

- i.) \*THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)  
(Sen. Karungo Thang'wa, MP)
  - ii.) \*THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)  
(Sen. Mohamed Chute, MP)
  - iii.) \*THE REAL ESTATE REGULATION BILL (SENATE BILLS NO. 35 OF 2023)  
(Sen. Allan Kiprotich Chesang, MP)
  - iv.) \*THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2023)  
(Sen. Godfrey Osotsi, MP)
  - v.) \*THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)  
(Sen. (Dr.) Boni Khalwale, MP)
  - vi.) \*THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)  
(Sen. Hamida Ali Kibwana, MP)
  - vii.) \*THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)  
(Sen. Esther Anyieni Okenyuri, MP)
  - viii.) \*THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)  
(Sen. Edwin Sifuna, MP)
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