



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**SUPPLEMENTARY ORDER PAPER**

**THURSDAY, JUNE 15, 2023 AT 2.30 PM**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **MOTION - ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE AND REPORT ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE WILLIAM ODUOL, THE DEPUTY GOVERNOR OF SIAYA COUNTY**  
(The Senate Majority Leader)

**THAT, WHEREAS**, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on 8<sup>th</sup> June, 2023, the County Assembly of Siaya approved a Motion to remove from office, by impeachment, Honourable William Oduol, the Deputy Governor of Siaya County;

**AND FURTHER, WHEREAS** by a letter, Ref: CASADM/33/04, dated Friday, 9<sup>th</sup> June, 2023 and received in the Office of the Speaker of the Senate on Saturday, 10<sup>th</sup> June, 2023, the Speaker of the County Assembly of Siaya conveyed the resolution of the County Assembly, removing from office by impeachment of Hon. William Oduol, the Deputy Governor of Siaya County and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

...../Motion

**AND WHEREAS**, pursuant to section 33(3) (b) of the County Governments Act, and Standing Order 80(1) (b) of the Senate, the Senate by resolution, may appoint a special committee comprising eleven of its Members to investigate the matter;

**NOW THEREFORE**, pursuant to section 33(3) (b) of the County Governments Act, and Standing Order 80(1) (b), the Senate resolves to establish a special committee comprising of the following Senators:-

1. Sen. William Kipkemoi Kisang', MP
2. Sen. Abass Sheikh Mohamed, MP
3. Sen. Mwenda Gataya Mo Fire, MP
4. Sen. Tabitha Mutinda, MP
5. Sen. Raphael Chimera Mwinzagu, MP
6. Sen. Miraj Abdullahi Abdulrahman, MP
7. Sen. Erick Okong'o Omogeni, SC, MP
8. Sen. Catherine Mumma, MP
9. Sen. Daniel Maanzo, MP
10. Sen. Betty Batuli Montet, MP
11. Sen. Richard Momoima Onyonka, MP

to investigate the proposed removal from office by impeachment of Hon. William Oduol, the Deputy Governor of Siaya County and pursuant to standing order 80 (2) (b), to report to the Senate, within ten (10) days of its appointment, on whether it finds the particulars of the allegations against the Deputy Governor to have been substantiated.

9. **\*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 Tuesday, 13<sup>th</sup> June, 2023)***

***(Division)***

10. **COMMITTEE OF THE WHOLE**

**\*\*THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 16 OF 2023)**

(The Chairperson, Standing Committee on Finance and Budget)

***(Resumption of debate interrupted on Wednesday, 14<sup>th</sup> June, 2023 – Afternoon Sitting)***

***(Division)***

...../Bills

11. **COMMITTEE OF THE WHOLE**

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

*(Resumption of debate interrupted on Wednesday, 14<sup>th</sup> June, 2023 –  
Afternoon Sitting)  
(Division)*

12. **COMMITTEE OF THE WHOLE**

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

*(Resumption of debate interrupted on Wednesday, 7<sup>th</sup> June, 2023 –  
Afternoon Sitting)  
(Division)*

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

*(Second Reading)*

*(Resumption of debate interrupted on Wednesday, 14<sup>th</sup> June, 2023 –  
Afternoon Sitting)*

14. **\*THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)**  
(Sen. James Murango, MP)

*(Second Reading)*

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

*(Second Reading)*

16. **MOTION - INCORPORATION OF INTELLIGENT WATER MANAGEMENT SYSTEMS IN BUILDING PLANS FOR SUSTAINABLE LIVING**  
(Sen. Wahome Wamatinga, MP)

**THAT, AWARE THAT** water is an essential yet scarce resource whose demand is increasing rapidly due to population growth, urbanization, and industrialization, and whose wastage has become an issue that needs to be addressed urgently owing to Kenya’s vulnerability to climate change;

...../Motion

**NOTING THAT** there is a growth in the number of buildings coming up to accommodate the rapidly growing population thereby posing a challenge to water management;

**APPRECIATING THAT** the incorporation of water management systems in building plans include a variety of techniques and technologies such as rainwater harvesting, waste water recycling, low-flow plumbing, and sensor systems that detect leaks and (de)activate water flow when necessary thereby optimizing the use of water by eliminating water overexploitation, waste water management, and pollution;

**NOW THEREFORE** the Senate urges the Ministry of Lands, Public Works, Housing and Urban Development in coordination with the Council of Governors and the National Environment Management Authority to:

- i. incorporate into the building code and standards a requirement for intelligent water management systems in all building plans; and
- ii. undertake a systematic nation-wide renovation to government-owned buildings to incorporate water management systems.

*(Resumption of debate interrupted on Wednesday, 14<sup>th</sup> June, 2023 – morning sitting)  
(Balance of time 1Hour 23 Minutes)*

17. **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;

...../Motion

- 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.

18. **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.

...../Motion

19. **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 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.

20. **MOTION – REGULATION OF ELECTRONIC CIGARETTES IN KENYA**

(Sen. Catherine Mumma, MP)

**THAT, AWARE THAT** Section 68 (1) (b) of the Health Act, 2017 provides for interventions by the national government to reduce the use of tobacco and other addictive substances and to counter exposure of children and others to tobacco smoke, and Section 32 of the Tobacco Control Act, 2007 provides for the right of every person to a smoke free environment including the protection from exposure to second-hand smoke;

**CONCERNED THAT**, while the Tobacco Control Act, defines key terms and covers topics including, but not limited to, restrictions on public smoking, tobacco advertising, promotion and sponsorship, and packaging and labelling of tobacco products, Section 2 of the Act does not contemplate non tobacco products and therefore lacks restrictions on the use, advertising, promotion and sponsorship, or packaging and labelling of synthetic nicotine in the form of e-cigarettes resulting in the increase in popularity and consumption of e-cigarettes among the youth including minor children;

**NOW THEREFORE**, the Senate resolves that the Ministry of Health should urgently convene an all-inclusive stakeholder forum to:

1. Develop a national policy regulating e-cigarettes and all related elements, including vape pens, e-liquids, flavors and their marketing and advertising in mainstream media as well as social media; and
2. Establish rules to govern the production, sale, advertising and consumption of synthetic nicotine, and control the illicit trade of counterfeit products.

...../Motion

21. **MOTION - ADOPTION OF THE 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, 31<sup>st</sup> May, 2023.

22. **MOTION- ADOPTION OF THE 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, 31<sup>st</sup> May, 2023.

23. **MOTION- ADOPTION OF THE 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, 31<sup>st</sup> May, 2023.

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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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**A. \*\*THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 16 OF 2023)**

(The Chairperson, Standing Committee on Finance and Budget)

**NOTICE** is given that the, Chairperson, Standing Committee on Finance and Budget, intends to move the following amendments to the County Allocation of Revenue Bill (Senate Bills No. 16 of 2023) at the Committee Stage-

**SECOND SCHEDULE**

**THAT** the Bill be amended by deleting the Second Schedule and substituting therefor the following new schedule-

**SECOND SCHEDULE**

(s.5)

County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2023/2024 (Figures in Kenya Shillings)					
No.	County	County Assembly Ceilings		County Executive Ceilings	
		2022/2023	2023/2024	2022/2023	2023/2024
1	Baringo	712,229,059	828,250,102	607,049,529	628,507,168
2	Bomet	621,143,848	826,903,256	588,023,141	525,981,274
3	Bungoma	873,284,854	1,030,966,304	664,128,690	593,145,551
4	Busia	765,019,229	890,557,352	626,075,916	565,353,297
5	Elgeyo/Marakwet	592,408,337	688,567,522	568,996,754	540,143,817
6	Embu	594,786,279	655,164,072	568,996,754	470,665,205
7	Garissa	815,801,264	928,822,377	607,049,529	517,163,240
8	Homa Bay	872,842,726	951,617,005	645,102,303	612,652,603
9	Isiolo	451,013,358	539,314,722	492,255,576	384,717,582
10	Kajiado	699,076,887	836,365,718	562,230,871	543,625,285
11	Kakamega	1,097,653,117	1,400,821,103	721,207,850	702,976,417
12	Kericho	708,995,621	828,466,755	607,049,529	574,171,331
13	Kiambu	1,114,698,533	1,352,347,776	721,207,850	689,615,145
14	Kilifi	779,167,171	942,241,093	626,075,916	552,882,777
15	Kirinyaga	582,922,761	673,319,674	556,100,619	463,453,685
16	Kisii	940,958,856	1,112,890,743	664,128,690	635,010,868
17	Kisumu	718,886,210	827,121,358	626,075,916	548,429,020
18	Kitui	862,047,458	1,042,409,957	645,102,303	787,239,883
19	Kwale	617,790,583	667,712,409	568,996,754	436,816,651
20	Laikipia	467,754,457	545,809,049	524,178,098	429,430,142
21	Lamu	419,261,939	493,148,394	492,255,576	349,978,277
22	Machakos	865,126,181	1,021,331,660	645,102,303	618,887,863

County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2023/2024 (Figures in Kenya Shillings)					
No.	County	County Assembly Ceilings		County Executive Ceilings	
		2022/2023	2023/2024	2022/2023	2023/2024
23	Makueni	729,754,316	882,052,960	607,049,529	597,330,868
24	Mandera	864,090,152	983,911,204	616,986,522	537,192,934
25	Marsabit	678,317,733	714,092,325	568,996,754	477,791,217
26	Meru	938,478,295	1,105,946,626	664,128,690	802,472,137
27	Migori	857,185,385	1,003,508,709	645,102,303	609,089,597
28	Mombasa	674,783,021	837,169,783	607,049,529	414,726,825
29	Murang'a	753,378,653	830,709,033	626,075,916	633,050,405
30	Nairobi City	1,446,962,393	1,924,120,608	816,339,786	640,180,465
31	Nakuru	1,006,312,104	1,160,413,432	702,181,463	703,777,688
32	Nandi	666,771,490	796,999,461	607,049,529	647,212,948
33	Narok	734,655,062	911,202,495	607,049,529	545,667,285
34	Nyamira	610,515,511	746,578,493	568,996,754	458,194,685
35	Nyandarua	651,697,338	770,438,804	588,023,141	533,107,285
36	Nyeri	692,693,761	776,126,610	607,049,529	605,347,631
37	Samburu	517,964,444	593,254,286	533,708,983	482,789,720
38	Siaya	683,152,880	775,678,151	607,049,529	540,322,777
39	Taita/Taveta	620,545,692	681,840,554	568,996,754	439,488,905
40	Tana River	582,990,790	677,653,973	537,074,233	436,641,663
41	Tharaka -Nithi	434,745,770	517,563,626	524,178,098	445,463,668
42	Trans Nzoia	643,357,859	685,259,476	588,023,141	427,107,865
43	Turkana	818,680,328	966,834,859	607,049,529	526,961,505
44	Uasin Gishu	703,027,730	796,524,510	607,049,529	474,407,171
45	Vihiga	637,128,800	714,071,318	588,023,141	487,678,963
46	Wajir	853,371,986	992,922,326	597,112,535	599,569,960
47	West Pokot	603,044,748	683,634,469	568,996,754	589,135,145
	<b>Total</b>	<b>34,576,474,969</b>	<b>40,612,656,492</b>	<b>28,486,731,667</b>	<b>25,825,556,396</b>

...../Notice of Amendments

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

**NOTICE** is given that the Senator for Tana River County (Sen. Danson Mungatana, MP) intends to move the following amendments to the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022), at the Committee Stage —

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by –

- (a) deleting paragraph (e); and
- (b) deleting paragraph (f).

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended in paragraph (e) by inserting the words “effective” immediately after the word “coordinated”.

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended in subclause (1) by —

- (a) deleting the expression “53(1)(c)” appearing immediately after the words “out under Articles 43(1)” in the introductory phrase and substituting therefor the words “53(1)(c) and 57(d);
- (b) deleting paragraph (c) and substituting therefor the following new paragraph (c) –
  - (c) ensure the availability, affordability, accessibility, adaptability, acceptability of quality goods and services that would facilitate the realization of economic and social rights.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended in subclause (1) by deleting paragraph (g) and substituting therefor the following new paragraph –

- (g) advise and make recommendations to the authority responsible for implementation of social assistance programs regarding the delivery of social assistance programmes.

...../Notice of Amendments

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended –

- (a) in the marginal note by deleting the words “for the realization of economic and social rights” appearing immediately after the words “County strategic plans”;
- (b) in subclause (2) by deleting paragraph (d) and substituting therefor the following new paragraph –
  - (d) objectives that would facilitate the availability, affordability, accessibility, adaptability and acceptability of quality goods and services relevant to the realization of economic and social rights; and
- (c) in subclause (3) by deleting paragraph (c) and substituting therefor the following new paragraph –
  - (c) adopt strategies and plans that enhance the availability, affordability, accessibility, adaptability and acceptability of quality goods and services aimed at facilitating the realization of economic and social rights.

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended –

- (a) in subclause (1) by deleting the words “for the implementation of a county strategic plan” appearing immediately after the words “receipt of grant or donation” in the marginal note; and
- (b) in subclause (2) by inserting the words “and the annual County Governments Additional Allocations Act applicable in the respective financial year” immediately after the words “Public Finance Management Act”

**CLAUSE 13**

**THAT** clause 13 of Bill be amended in subclause (2) by inserting the words “*Gazette* and in the” immediately after the words “publish the plan in the”.

...../Notice of Amendments

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (b) –

- (ba) the Attorney General.

**CLAUSE 19**

**THAT** the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause –

(1) The Cabinet Secretary shall, within twelve months from the commencement of this Act and in consultation with the Commission, make regulations generally for the better carrying out of the provisions of this Act.

**CLAUSE 20**

**THAT** the Bill be amended by deleting Clause 20.

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended in subclause (1) by deleting the words “six months” appearing immediately before the words “after commencement of” and substituting therefor the word “twelve months”.

**SCHEDULE**

**THAT** the Schedule to the Bill be amended by deleting the words “social and economic rights” appearing in the heading and substituting therefor the words “economic and social rights”.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended –

- (a) by deleting the definition of the word “Equalisation Fund”;
- (b) by deleting the definition of the word “subsidy programme”;
- (c) by deleting the definition of the word “person in need”;
- (d) by deleting the definition of the word “vulnerable persons” and substituting therefor the following new definition –

**...../Notice of Amendments**

“vulnerable persons” means persons who are unable to meet their economic and social needs and include children, pregnant and nursing mothers, older members of society, internally displaced persons, persons with disabilities, the sick, persons with chronic illnesses, victims of conflict, persons living in marginalised areas, and members of marginalised communities or groups and such other groups as the Cabinet Secretary may, by notice in the

*Gazette*, or the respective county governor may, by notice in the *Gazette* and county *Gazette* , designate ;

(e) by inserting the following new definition immediately after the definition of the word county executive committee member –

“county integrated development plan” means the five-year plan developed by a county government in accordance with section 108 of the County Governments Act.

**LONG TITLE**

**THAT** the Bill be amended by deleting the Long Title and substituting therefor the following new Long Title –

**AN ACT** of Parliament to provide a framework for the promotion, monitoring and enforcement of economic and social rights; to establish mechanisms to monitor and promote adherence by the National and county governments to Article 43 of the Constitution; and for connected purposes.

**SHORT TITLE**

**THAT** clause 1 of the Bill be amended by deleting the words “Preservation of Human Dignity and Enforcement of” appearing immediately after the words “be cited as the”.

...../Notice of Amendments

**C. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)**

(Sen. Danson Mungatana, MP)

**i. NOTICE** is given that the Chairperson to the Standing Committee on Land, Environment and Natural Resources, intends to move the following amendments to the Natural Resources (Benefit Sharing) Bill 2022, (Senate Bills No. 6 of 2022), at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by—

- (a) deleting paragraph (b) and substituting therefor the following new paragraph (b) —
  - (b) surface and underground water;
- (b) inserting the following new paragraphs immediately after paragraph (f) —
  - (g) geothermal resources;
  - (h) minerals; and
  - (i) petroleum.

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (f)—

- (g) environmental protection and restoration.

**CLAUSE 5**

**THAT** the Bill be amended by deleting clause 5 and substituting therefore the following New Clause-

**PART II – ESTABLISHMENT AND MANAGEMENT OF THE BENEFIT SHARING AUTHORITY**

Establishment of the Benefit Sharing Authority.	<b>5.</b> (1) There is established the Benefit Sharing Authority.
Sharing Authority.	(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

**...../Notice of Amendments**

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing or lending money; and
- (d) doing or performing such other things or acts for the proper performance of its

functions under this Act which may be lawfully done or performed by a body corporate.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended—

(a) in subclause (1) by—

(i) deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”; and

(ii) inserting the words “and upon conducting public participation” immediately after the words “national government entities”;

(b) in subclause (3) by deleting the words “payments or benefit sharing” appearing immediately after the words “the royalty, fees,” and substituting therefor the words “or payments”; and

(c) in subclause (4) by—

(i) deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”; and

(ii) deleting the words “or any other written law” appearing immediately after the words “to this Act”.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended—

(a) deleting subclause (2) and substituting therefor the following new subclause—

*...../Notice of Amendments*

(2) The Kenya Revenue Authority shall declare and pay monies collected under subclause (1) to the Consolidated Fund by the fifth day of every month.

(b) in subclause (4) by deleting the word “Commission” appearing immediately after the words “account to the” and substituting therefor the word “Authority”; and

(c) inserting the following new subclauses immediately after subclause (4)—



(5) The Authority shall submit to the respective county government declarations received from the Kenya Revenue Authority under subsection (4) at least once every quarter.

(6) The county executive committee member in the respective county shall submit to the respective local community declarations received from the Authority under subsection (5) within twenty one days of receipt.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause —

(1) The revenue collected under this Act shall, subject to subsection (3), be shared between the National Government and respective county governments in the ratio of sixty per cent to the National Government and forty per cent to the county governments.

(b) by deleting subclause (2);

(c) in subclause (3) by—

(i) deleting the word “forty” appearing immediately after the words “At least” and substituting therefor the word “sixty”; and

(ii) deleting the word “sixty” appearing immediately after the words “community projects and” and substituting therefor the word “forty”;

(d) in subclause (4) by deleting the word “Commission” appearing immediately after the words “more counties the” and substituting therefor the word “Authority”;

*...../Notice of Amendments*

(e) in subclause (5) by deleting the word “Commission” appearing immediately after the words “subsection (4) the” in the introductory clause and substituting therefor the word “Authority; and

(f) in subclause (6) by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended—

(a) in subclause (2) by deleting paragraph (b) and substituting therefor the following new paragraph (b)—

(b) the county executive committee member responsible for matters relating to natural resources;

(b) in subclause (3) by inserting the words “be appointed by the county governor and” immediately after the words “subsection (2)(d) shall”; and

(c) by inserting the following new subclause immediately after subclause (5)—

(5A) The county chief officer responsible for matters relating natural resources shall serve as the secretary to the County Benefit Sharing Committee.

**CLAUSE 11**

**THAT** clause 11 of the Bill be amended in paragraph (a) by inserting the words “in consultation with the respective local community and upon conducting public participation” before the words “negotiate the terms”.

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended in subclause (2) by deleting the word “Commission” appearing immediately after the words “deposited with the” and substituting therefor the word “Authority”.

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended in subclause (3) by inserting the words “be appointed by the respective county executive committee member responsible for matters relating to natural resources and” immediately after the words “sharing forum shall”.

...../Notice of Amendments

**CLAUSE 14**

**THAT** the Bill be amended by deleting clause 14 and substituting therefor the following new clause—

Funds of the Authority.

**14.** The funds of the Authority shall consist of—

(a) such monies or assets as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;

- (b) such money as may be provided by the National Assembly for defraying expenses incurred in the implementation of this Act;
- (c) all monies from any other source provided for or donated or lent to the Authority; and
- (d) such other monies that may lawfully accrue in the discharge of functions of the Authority under this Act.

**CLAUSE 16**

**THAT** clause 16 of the Bill be amended in subclause (1) by deleting the word “Commission” appearing immediately after the words “furnished to the” in paragraph (a) and substituting therefor the word “Authority”.

**CLAUSE 17**

**THAT** the Bill be amended by deleting clause 17 and substituting therefor the following new clause 17—

Transitional provisions.      **17.** (1) An affected entity that, immediately before the commencement of this Act, was lawfully authorised to exploit a natural resource under this Act shall be deemed to be authorised to conduct such exploitation under this Act.

(2) Despite subsection (1), an affected entity shall comply with the provisions of this Act within two years of the commencement of the Act.

**CLAUSE 18**

**THAT** clause 18 of the Bill be amended in subclause (1) by inserting the words “in consultation with the Authority and the Council of County Governors” immediately after the words “Cabinet Secretary may”.

*...../Notice of Amendments*

**CLAUSE 19**

**THAT** the Bill be amended by deleting clause 19 and substituting therefor the following new clause 19—

Amendment to section 183 of Act No. 12 of 2016.      **19.** Section 183 of the Mining Act is amended by deleting subsection (5) and substituting therefor the following new subsection (5)—

(5) The royalty received by the State under this section shall be paid into the Consolidated Fund and apportioned in accordance with section 8 of the Natural Resources (Benefit Sharing) Act.

**NEW CLAUSES**

**THAT** the Bill be amended by inserting the following New Clauses immediately after clause 5—

Functions of the Authority. **5A.** (1) The functions of the Authority shall be to—

- (a) coordinate the preparation of benefit sharing agreements between an affected county and an affected entity;
- (b) review, and where appropriate, determine the royalties payable by an affected entity engaged in natural resource exploitation;
- (c) identify counties that are required to enter into a benefit sharing agreement under this Act in consultation with the respective county governments;
- (d) oversee the administration of funds set aside for community projects to be implemented under a benefit sharing agreement;
- (e) facilitate and monitor the implementation of a benefit sharing agreement entered into between a county government and an affected entity;

**...../Notice of Amendments**

- (f) conduct research regarding the exploitation and development of natural resource and benefit sharing in Kenya;
- (g) determine appeals arising out of conflicts regarding the preparation and implementation of benefit sharing agreements;
- (h) advise the national government on policy and the enactment of legislation relating to benefit sharing in resource exploitation;
- (i) oversee the establishment of benefit sharing committees and forums established under this Act;

- (j) ensure the proper and timely payment of funds to counties and local communities as provided under this Act;
- (k) build the capacity of local communities in negotiations for benefit sharing and implementation of related projects;
- (l) prepare national guidelines on benefit sharing in consultation with the relevant stakeholders;
- (m) identify, in consultation with sector specific organizations, incentives and benefits to promote the conservation of natural resources;
- (n) promote value addition in natural resources;
- (o) promote local content initiatives on the exploration and exploitation of natural resources under this Act; and
- (p) promote the restoration of the environment after the exploitation of a natural resource in an affected county.

(2) The Authority may, in furtherance of its functions, collaborate with such other bodies or organizations within or outside Kenya as it may consider necessary for the better performance of its functions under this Act.

...../Notice of Amendments

(3) The Authority shall have regard to the following in the performance of its functions—

- (a) all existing law regulating the natural resources sector in Kenya;
- (b) all existing arrangements for benefit sharing between local communities and an affected entity under any law in Kenya; and
- (c) obligations imposed on Kenya under any international treaty or agreement relating to the exploitation of natural resources.

Board of the Authority.

**5B.** (1) The management of the Authority shall vest in a Board which shall consist of—

- (a) a chairperson appointed by the President with the approval of Parliament;
- (b) the Principal Secretary responsible for finance or a designated representative;
- (c) the Principal Secretary responsible for mining or a designated representative;
- (d) the Principal Secretary responsible for petroleum or a designated representative;
- (e) the Principal Secretary responsible for energy or a designated representative;
- (f) two persons of opposite gender nominated by the Council of County Governors to represent such communities as the council shall determine;
- (g) one person nominated by a registered association representing a majority of members of county assemblies to represent local communities;
- (h) one person nominated by an umbrella body representing the interests of the private sector in Kenya; and

...../Notice of Amendments

- (i) the Director-General appointed by the Board in accordance with section 5K.

(2) The chairperson shall be competitively recruited by the Public Service Commission and appointed by the President by notice in the *Gazette*.

(3) The Cabinet Secretary shall, with the approval of Parliament, appoint the persons nominated under subsection (1)(f), (g) and (h) by notice in the *Gazette*.

(4) In nominating and appointing persons as members of the Board, the nominating authorities and the Cabinet Secretary shall—

- (a) have regard to—
  - (i) the principles of non-discrimination on the basis of gender, disability, youth and

marginalized persons under the Constitution; and

(ii) the requirements of chapter six of the Constitution; and

(b) ensure that the nominations reflect the regional diversity of the people of Kenya.

Tenure of office.

of **5C.** (1) The members of the Board other than the Director-General shall—

(a) hold office for a term of three years and shall be eligible for reappointment for one further term; and

(b) serve on a part-time basis.

(2) Paragraph (1)(a) shall not apply to principal secretaries who serve as members of the board.

Qualifications for appointment.

**5D.** A person is qualified for appointment as the chairperson or a member of the Board under section 5B(1) (f), (g) and (h) if that person—

(a) holds a degree from a university recognised in Kenya; and

**...../Notice of Amendments**

(b) has knowledge and at least seven years' experience in—

(i) law;

(ii) environmental management;

(iii) economics;

(iv) public finance;

(v) mining;

(vi) community development; or

(vii) any other related field.

Vacation of office.

of **5E.** The office of the chairperson or a member of the Board appointed under section 5B(1)(f), (g) and (h) shall become vacant if the chairperson or member—

- (a) is unable to perform the functions of the office by reason of mental or physical incapacity;
- (b) is otherwise unable or unfit to continue serving as the chairperson or member of the Board;
- (c) is adjudged bankrupt;
- (d) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (e) is absent, without reasonable cause, from three consecutive meetings of the Board;
- (f) resigns in writing addressed, in the case of the chairperson, to the President and in the case of a member appointed under section 5B(1) (f), (g) or (h), to the Cabinet Secretary;
- (g) fails to declare their interest in any matter being considered by the Board; or
- (h) dies

*...../Notice of Amendments*

Powers of the Board.

**5F.** (1) The Board shall have all the powers necessary for the performance of the functions of the Authority under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have the power to—

- (a) enter into contracts;
- (b) manage, control and administer the assets of the Authority in such manner and for such purposes as best promote the purposes for which the Authority is established;
- (c) receive any gifts, grants, donations or endowments made to the Authority or any other monies in respect of the Authority and make disbursements therefrom in accordance with the provisions of this Act;
- (d) require from any person such information as it considers necessary



for the performance of its functions under this Act; and

- (e) open and operate a bank account for the funds of the Authority into which all moneys received by the Authority shall be paid in the first instance and out of which all payments made by the Authority shall be made.

(2) The Board shall consult the respective Cabinet Secretary responsible for an affected natural resource in carrying out its functions under this Act.

Committees of the Board.

**5G.** (1) The Board may establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under this Act.

(2) The Board may invite any person whose knowledge and skills are found necessary for the performance of its functions to sit in any committee established under subsection (1).

**...../Notice of Amendments**

Power to delegate.

**5H.** The Board may, by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Authority the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

Remuneration and allowances.

**5I.** The remuneration, allowances, expenses and other emoluments of members and staff of the Authority shall be determined by the Salaries and Remuneration Commission.

Conduct of business and affairs of the Board.

**5J.** The Board shall conduct its affairs in accordance with the provisions of the Schedule.

Director-General.

**5K.** (1) There shall be a Director-General of the Authority who shall be competitively recruited and

appointed by the Board on such terms and conditions as the Board shall determine.

(2) A person qualifies for appointment as a Director-General under subsection (1) if such person —

- (a) holds a degree from a university recognized in Kenya; and
- (b) has knowledge and at least ten years' experience in —
  - (i) law;
  - (ii) environmental management;
  - (iii) economics;
  - (iv) public finance;
  - (v) mining;
  - (vi) community development; or
  - (vii) in any other related field.

(2) The Director-General shall be an *ex-officio* member of the Board and shall have no right to vote at any meeting of the Board.

...../Notice of Amendments

Tenure of office of the Director-General.	<b>5L.</b> The Director-General shall be appointed for a term of four years and shall be eligible for reappointment for one further term.
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Functions of the Director-General.	<b>5M.</b> (1) The Director-General shall be the chief executive officer of the Authority and secretary to the Board.
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(2) The Director-General shall, for the effective performance of the functions under this Act and subject to the direction of the Board, —

- (a) be responsible for the day-to-day management of the Authority;
- (b) manage the funds, property and affairs of the Authority;
- (c) be responsible for the management of the staff of the Authority;

- (d) cause to be prepared for the approval of the Board—
  - (i) the strategic plan and annual plan of the Authority; and
  - (ii) the annual budget and audited accounts of the Authority; and
- (e) perform such other duties as may be assigned by the Board.

Tenure of office of the Director-General.

**5N.** The Board may terminate the appointment of the Director-General in accordance with the terms and conditions of service for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct or misbehaviour;
- (c) incompetence or neglect of duty; or
- (d) any other ground that would justify removal from office under the terms and conditions of service

**...../Notice of Amendments**

Common seal of the Authority.

**5O.** (1) The common seal of the Authority shall be kept in the custody of the Director-General or such other person as the Board may direct and shall not be used except with the express authority and direction of the Board.

(2) The common seal of the Authority shall be authenticated by the signature of the chairperson and the Director-General of the Board or in the absence of either person, such other member of the Board who shall be designated by the Board for that purpose.

(3) The common seal of the Authority shall, when affixed to a document and authenticated, be judicially and officially noticed and unless the contrary is proved, any order or authorization by the Board under this section shall be presumed to have been duly given.

Staff of the Authority.

**5P.** (1) The Board may employ such officers, agents and staff as are necessary for the proper and

efficient discharge of the functions of the Authority under this Act.

(2) The staff employed under subsection (1) shall serve on such terms and conditions as the Board may, subject to section 5I, determine.

Protection from personal liability.

**5Q.** No matter or thing done by a member of the Board or by any officer, employee or agent of the Authority shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the Authority under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand.

Liability of the Authority to damages.

**5R.** Section 5Q shall not relieve the Authority of liability to pay compensation or damages to any person for any injury to them, their property or any of their interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, whether wholly or partially, of any works.

...../Notice of Amendments

**NEW CLAUSES**

**THAT** the Bill be amended by inserting the following clauses immediately after clause 14—

Financial year.

**14A.** The financial year of the Authority shall be the period of twelve months ending on thirtieth June in each year.

Accounts.

**14B.** (1) The Authority shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Authority.

(2) Within three months of the end of each financial year, the Authority shall submit to the Auditor-General, the accounts of the Authority together with—

- (a) a statement of the income and expenditure of the Authority during that financial year; and
- (b) a statement of the assets and liabilities of the Authority as at the last day of that year.

(3) The accounts of the Authority shall be audited and reported upon in accordance with the Public Audit Act.

No. 34 of 2015.

(4) The Authority may establish, control, manage, maintain and contribute to pension and provident funds for the benefit of employees of the Authority and may grant pensions and gratuities from any such fund to the said employees upon their resignation, retirement or separation from the service of the Authority or, as the case may be, to the dependants of any such employee upon such employee's death.

Annual Report.

**14C.** (1) Within three months of the end of each financial year, the Authority shall submit—

(a) to the Auditor-General, the accounts of the Authority in respect of that year together with—

(i) a statement of the income and expenditure of the Authority during that year; and

**...../Notice of Amendments**

(ii) a statement of the assets and liabilities of the Authority as at the last day of that financial year; and

(b) to the President and Parliament, an annual report in respect of that year containing—

(i) the financial statements of the Authority including—

(A) a statement of the income and expenditure of the Authority during that year; and

(B) a statement of the assets and liabilities of the Authority as at the last day of that financial year;

(ii) a list of institutions contributing to benefit sharing under this Act, the proportion of benefit and the local community that benefited;

(iii) the total sums contributed towards benefit sharing and its distribution;

(iv) the progress made in the implementation of the Authority's functions; and

(v) any other information that the Authority may consider necessary.

(2) The Authority shall publish the annual report in the *Gazette* and in at least one newspaper of national circulation.

**NEW CLAUSES**

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 19—

Amendment to section 7 of Act No. 47 of 2013. **20.** Section 76 of the Wildlife Conservation and Management Act is amended by—

(a) deleting subsection (1) and substituting therefor the following new subsection —

(1) The revenue received by the National Government under this Act shall be paid into the National Treasury and apportioned in accordance with section 8 of the Natural Resources (Benefit Sharing) Act.

...../Notice of Amendments

(b) deleting subsection (2);

(c) deleting subsection (3); and

(d) deleting subsection (4).

Amendment to section 85 of Act No. 1 of 2019. **21.** Section 85 of the Energy Act is amended by—

(a) deleting subsection (3) and substituting therefor the following new subsection (3)—

(3) The royalty received by the National Government under this section shall be paid into the National Treasury and apportioned in accordance with section 8 of the Natural Resources (Benefit Sharing) Act.

(b) deleting subsection (4).

Amendment to section 58 of Act No. 2 of 2019. **22.** The Petroleum Act is amended by deleting section 58 and substituting therefor the following new section 58—

Sharing of petroleum resource. **58.** The National Government’s share of the profits derived from upstream petroleum under section 57 shall be apportioned in

accordance with section 8 of the Natural Resources (Benefit Sharing) Act.

**NEW SCHEDULE**

**THAT** the Bill be amended by inserting the following new Schedule—

**SCHEDULE  
(s.5J)**

**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND  
AFFAIRS OF THE BOARD OF THE BENEFIT SHARING  
AUTHORITY**

Meetings of the Board. **1.** (1) The Board shall meet at least once in every three months to conduct the business of the Board of the Authority.

*...../Notice of Amendments*

(2) The first meeting of the Board shall be convened by the chairperson and the Board shall meet subsequently at such a time and place as it shall determine.

(3) Notwithstanding the provisions of subparagraph (1), the chairperson shall, upon a written request by at least five members of the Board or at any time where he or she considers it expedient for the transaction of the business of the Authority, convene a special meeting of the Board.

(4) The members of the Board shall elect a vice-chairperson from among themselves—

- (a) at the first sitting of the Board; and
- (b) whenever it is necessary to fill the vacancy in the office of the vice-chairperson.

(5) A meeting shall be presided over by the chairperson or in her or his absence by the vice-chairperson.

(6) Unless three quarters of the total number of the members of the Board otherwise agree, at least five days written notice of every meeting of the Board shall be given to every member of the Board by the Director-General.

(7) The Board may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Board.

(8) The proceedings of the Board shall not be invalidated by reason of a vacancy within its membership.

Quorum.           **2.** (1) Subject to subparagraph (2), the quorum of a meeting of the Board shall be not less than half of the appointed members.

(2) Where there is a vacancy in the Board, the quorum of the meeting shall be not less than three appointed members.

*...../Notice of Amendments*

Voting.           **3.** Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a simple majority of the votes of the members present and voting and in the case of an equality of votes, the chairperson or person presiding over the meeting shall have a casting vote.

Conflict of interest.           **4.** (1) A member of the Board who has a direct or indirect personal interest in any matter being considered or to be considered by the Board shall, upon the relevant facts concerning the matter having come to their knowledge, disclose the nature of their interest to the Board.

(2) A disclosure of interest made by a member of the Board under subparagraph (1) shall be recorded in the minutes of the meeting of the Board and the member shall not, unless the Board otherwise determines—

- (a) be present during the deliberation on the matter by the Board; or
- (b) take part in the decision of the Board on the matter.

(3) A member of the Board who makes a disclosure under subparagraph (1) shall not—

- (a) be present in the meeting of the Board held to determine whether or not the member



should take part in the deliberations or decision of the Board in relation to the matter; or

(b) influence any other member of the Board in arriving at a particular decision in relation to the matter.

(4) A member or staff of the Authority shall not transact any business or trade with the Authority.

Rules of Procedure and minutes.

1. (1) Subject to provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board.

*...../Notice of Amendments*

(2) The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board at the next meeting of the Board and signed by the chairperson or the person presiding at the meeting.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by—

- a) deleting the definitions of the terms—
  - (i) Commission;
  - (ii) fund;
  - (iii) futures fund;
  - (iv) natural resources fund; and
  - (v) sovereign wealth fund;
- b) inserting the following new definitions in the proper alphabetical sequence—

“Authority” means the Benefit Sharing Authority established under section 5;

“Board” means Board of the Benefit Sharing Authority constituted under section 5B; and

“Director-General” means Director-General of the Benefit Sharing Authority appointed under section 5K(1).

...../Appendix

**APPENDIX**

**1. MESSAGE**

Message from the County Assembly of Siaya on approval of a Motion for the proposed removal from office, by Impeachment, of the Honourable William Oduol, the Deputy Governor of Siaya County.

*(The Speaker of the Senate)*

**2. PETITION**

Petition to the Senate by the Nyandarua Integrated Internally Displaced Persons (IDPs) concerning delayed compensation and occupation of parcels of land bought for their settlement between 2010 and 2013.

*(Sen. John Methu, MP)*

**3. PAPERS**

- i.) Report of the Office of the Controller of Budget (CoB) on the National Government Budget Implementation Review Report for the first nine months, May 2023.
- ii.) Report of the Office of the Controller of Budget (CoB) on the County Government Budget Implementation Review Report for the first nine months, May 2023.
- iii.) Annual Report of the Office of the Registrar of Political Parties (ORPP) for financial year 2021/2022.
- iv.) Report of the Auditor-General on the financial statements of the Bungoma County Assembly Members' Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2022.

- v.) Report of the Auditor-General on the financial statements of the West Pokot County Car Loan & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2022.
- vi.) Report of the Auditor-General on the financial statements of the County Assembly of Embu Car Loan & Mortgage (Members) Scheme Fund for the year ended 30<sup>th</sup> June, 2022.
- vii.) Report of the Auditor-General on the financial statements of Imetha Water and Sanitation Company Ltd for the year ended 30<sup>th</sup> June, 2022.
- viii.) Report of the Auditor-General on the financial statements of the Kakamega County Dairy Development Corporation for the year ended 30<sup>th</sup> June, 2022.
- ix.) Report of the Auditor-General on the financial statements of the Kakamega Municipality for the twenty-two (22) months period for the year ended 30<sup>th</sup> June, 2022.

...../Appendix

*(The Senate Majority Leader)*

**4. NOTICE OF MOTION - ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE AND REPORT ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE WILLIAM ODUOL, THE DEPUTY GOVERNOR OF SIAYA COUNTY**

(The Senate Majority Leader)

**THAT, WHEREAS**, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on 8<sup>th</sup> June, 2023, the County Assembly of Siaya approved a Motion to remove from office, by impeachment, Honourable William Oduol, the Deputy Governor of Siaya County;

**AND FURTHER, WHEREAS** by a letter, Ref: CASADM/33/04, dated Friday, 9<sup>th</sup> June, 2023 and received in the Office of the Speaker of the Senate on Saturday, 10<sup>th</sup> June, 2023, the Speaker of the County Assembly of Siaya conveyed the resolution of the County Assembly, removing from office by impeachment of Hon. William Oduol, the Deputy Governor of Siaya County and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

**AND WHEREAS**, pursuant to section 33(3) (b) of the County Governments Act, and Standing Order 80(1) (b) of the Senate, the Senate by resolution, may appoint a special committee comprising eleven of its Members to investigate the matter;

**NOW THEREFORE**, pursuant to section 33(3) (b) of the County Governments Act, and Standing Order 80(1) (b), the Senate resolves to establish a special committee comprising of the following Senators:-

- 1. Sen. William Kipkemoi Kisang', MP
- 2. Sen. Abass Sheikh Mohamed, MP
- 3. Sen. Mwenda Gataya Mo Fire, MP
- 4. Sen. Tabitha Mutinda, MP
- 5. Sen. Raphael Chimera Mwinzagu, MP
- 6. Sen. Miraj Abdullahi Abdulrahman, MP
- 7. Sen. Erick Okong'o Omogeni, SC, MP
- 8. Sen. Catherine Mumma, MP

...../Appendix

- 9. Sen. Daniel Maanzo, MP
- 10. Sen. Betty Batuli Montet, MP
- 11. Sen. Richard Momoima Onyonka, MP

to investigate the proposed removal from office by impeachment of Hon. William Oduol, the Deputy Governor of Siaya County and pursuant to standing order 80 (2) (b), to report to the Senate, within ten (10) days of its appointment, on whether it finds the particulars of the allegations against the Deputy Governor to have been substantiated.

**5. QUESTIONS AND STATEMENTS**

**STATEMENTS**

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

- (i) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing concerning the status of construction of the Bonkole Resort in Marsabit County.
- (ii) Nominated Senator (Sen. Shakila Abdalla, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the validity of title deeds for the land within Enganani Ranch in Lamu County.
- (iii) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism concerning the management of Metropolitan National Sacco Ltd.
- (iv) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the ownership and registration of land on the irrigation schemes in Kisumu County.
- (v) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on National

Security, Defence and Foreign Relations regarding the state of insecurity in Katito township in Kisumu County.

- (vi) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the rampant incidences of police brutality in Kisumu County.

...../Appendix

- (vii) The Senator for Kiambu County (Sen. Karungo Thangwa, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding public institutions, stadia, roads and parks bearing names of former presidents and leaders.

**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, 20<sup>th</sup> June, 2023.

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**...../Notice Paper**

**NOTICE PAPER**

**Tentative Business for**

**Tuesday, June 20, 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, June 20, 2023.

**A. BILLS AT THE SECOND READING STAGE**

- i.) \*THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)  
(Sen. Mariam Sheikh Omar, MP)
- ii.) \*THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)  
(Sen. Enoch Wambua, MP)
- iii.) \*THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)  
(Sen. Crystal Asige, MP)
- iv.) \*THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)  
(Sen. Wakili Hillary Sigei, MP)
- v.) \*THE KONZA TECHNOPOLIS BILL (SENATE BILLS NO. 2 OF 2023)  
(Sen. Gloria Orwoba, MP)
- vi.) \*THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)  
(Sen. Moses Kajwang' MP)

**B. MOTIONS**

- i.) STATE OF MENTAL HEALTH OF POLICE OFFICERS  
(Sen. Hamida Kibwana, MP)
- ii.) COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES EMBASSY IN NAIROBI  
(Sen. Agnes Kavindu Muthama, MP)
- 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 23<sup>RD</sup> OCTOBER – 12<sup>TH</sup> NOVEMBER, 2022.  
(Sen. Danson Mungatana, MP)

...../Notice Paper

- iv.) 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)

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