



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

TUESDAY, MARCH 05, 2024 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. *****THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**
(The Senate Majority Leader)

(Second Reading)

*(Resumption of debate interrupted on Wednesday, 21st February, 2024 – Afternoon Sitting)
(Division)*

9. ***THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2023)**
(Sen. Godfrey Osotsi, MP)

(Second Reading)

*(Resumption of debate interrupted on Thursday, 22nd February, 2024)
(Division)*

10. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON NON-REMITTANCE OF PENSION DEDUCTIONS TO THE PENSION SCHEMES BY COUNTY GOVERNMENT ENTITIES.**
(The Chairperson, Select Committee on County Public Investments and Special Funds)

THAT, the Senate adopts the Report of the Select Committee on County

...../Motion

Public Investments and Special Funds on non-remittance of pension deductions to the Pension Schemes by County Government entities laid on the Table of the Senate on Wednesday, 14th February, 2024.

***(Resumption of debate interrupted on Thursday, 29th February, 2024)
(Division)***

11. **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 30TH JUNE, 2019, 30TH JUNE, 2020 AND 30TH 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, 30th June, 2019, 30th June, 2020 and 30th 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 30th June, 2021, laid on the Table of the Senate on Thursday, 23rd November, 2023.

12. *****THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2022)**

(Sen. Samson Cherarkey, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 29th February, 2024)

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

(Sen. Moses Kajwang', MP)

(Second Reading)

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

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

(Second Reading)

15. ***THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)**

(Sen. James Murango, MP)

(Second Reading)

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

(Sen. Beatrice Ogolla, MP)

(Second Reading)

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

(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

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

(Sen. James Kamau Murango, MP)

(Second Reading)

19. ***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 25 OF 2023)**

(Sen. Samson Cherarkey, MP)

(Second Reading)

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

(Sen. Mohamed Chute, MP)

(Second Reading)

21. **MOTION - DECLARATION OF CATTLE RUSTLING AND BANDITRY AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**

(Sen. William Cheptumo, MP)

THAT AWARE THAT, cattle rustling/banditry 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 health 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;

...../Motion

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/banditry to:
 - (i) Investigate the causes of the rampant cattle rustling and banditry in the said region and the Country at large;
 - (ii) Establishes the extent of suffering, loss and damage the cattle rustling/banditry 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/banditry and settle all internally displaced persons occasioned by the menace.

(Resumption of debate interrupted on Wednesday, 28th February, 2024 – Morning Sitting)

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. PAPERS

- i.) Report of the Controller of Budget (COB) on the County Governments Budget Implementation Review for the first half of Financial Year 2023/2024.
- ii.) Report of the Auditor General on Financial Statements of Elgeyo/Marakwet County Executive Car and Mortgage Revolving Fund for the year ended 30th June, 2023.
- iii.) Report of the Auditor General on the Financial Statements of the County Executive of Kakamega for the year ended 30th June, 2023
- iv.) Report of the Auditor General on the Financial Statements of the County Government of Kakamega for the year ended 30th June, 2023.
- v.) Report of the Auditor General on the Financial Statements of the County Government of Kakamega – Receiver of Revenue for the year ended 30th June, 2023.
- vi.) Report of the Auditor General on the Financial Statements of Kakamega County Dairy Development Corporation for the year ended 30th June, 2023.
- vii.) Report of the Auditor General on Financial Statements of the County Assembly of Kakamega Loans and Mortgages Fund for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statements of Kakamega County Emergency Fund for the year ended 30th June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Kakamega County Microfinance Corporation for the year ended 30th June, 2023.
- x.) Report of the Auditor General on Financial Statements of Kakamega County Climate Change Fund for the year ended 30th June, 2023.
- xi.) Report of the Auditor General on Financial Statements of the County Executive of Uasin Gishu for the year ended 30th June, 2023.
- xii.) Report of the Auditor General on Financial Statements of the County Assembly of Uasin Gishu for the year ended 30th June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of Uasin Gishu County Assembly Mortgage and Car Loan Scheme Fund for the year ended 30th June, 2023.

- xiv.) Report of the Auditor General on Financial Statements of the County Revenue Fund - Uasin Gishu County Government for the year ended 30th June, 2023.
- xv.) Report of the Auditor General on Financial Statements of Uasin Gishu County Bursary and Skills Development Support Fund for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of Uasin Gishu County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of County Government of Uasin Gishu - Receiver of Revenue for the year ended 30th June, 2023.
- xviii.) Report of the Auditor General on the Financial Statements of Uasin Gishu County Staff Mortgage and Card Loans Scheme Fund for the year ended 30th June, 2023.
- xix.) Report of the Auditor General on the Financial Statements of Uasin Gishu County Inua Biashara Fund for the year ended 30th June, 2023.
- xx.) Report of the Auditor General on the Financial Statements of Uasin Gishu County Emergency Fund for the year ended 30th June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of the County Executive of Nandi for the year ended 30th June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of Nandi County Executive Committee Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of the County Government – Receiver of Revenue for the year ended 30th June, 2023.
- xxiv.) Report of the Auditor General on Financial Statements of the County Assembly of Nandi for the year ended 30th June, 2023.
- xxv.) Report of the Auditor General on Financial Statements of Nandi County Assembly Scheme Fund for the year ended 30th June, 2023.
- xxvi.) Report of the Auditor General on Financial Statements of the County Government of Nandi – County Revenue Fund for the year ended 30th June, 2023.
- xxvii.) Report of the Auditor General on Financial Statements of Nandi County Facilities Improvement Fund for the year ended 30th June, 2023.

- xxviii.) Report of the Auditor General on Financial Statements of Nandi County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- xxix.) Report of the Auditor General on the Financial Statements of Nandi County Emergency Fund for the year ended 30th June, 2023.
- xxx.) Report of the Auditor General on the Financial Statements of Nandi County Education Fund for the year ended 30th June, 2023.
- xxxi.) Report of the Auditor General on Financial Statements of Bungoma County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxxii.) Report of the Auditor General on Financial Statements of County Government of Kwale - County Revenue Fund for the year ended 30th June, 2023.
- xxxiii.) Report of the Auditor General on Financial Statements of Busia County (Public Officers) Revolving Fund for the year ended 30th June, 2023.
- xxxiv.) Report of the Auditor General on Financial Statements of Busia County Agricultural Development Fund for the year ended 30th June, 2023.
- xxxv.) Report of the Auditor General on Financial Statements of Busia County Co-operative Enterprise Fund for the year ended 30th June, 2023.
- xxxvi.) Report of the Auditor General on Financial Statements of the County Revenue Fund – County Government of Busia for the year ended 30th June, 2023.
- xxxvii.) Report of the Auditor General on Financial Statements of the County Executive of Mombasa for the year ended 30th June, 2023.
- xxxviii.) Report of the Auditor General on Financial Statements of the County Assembly of Mombasa for the year ended 30th June, 2023.

(The Senate Majority Leader)

- xxxix.) Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the financial statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang'a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the financial year 2019/2020.

(The Chairperson, County Public Accounts Committee)

- xl.) Report of the 9th Inter-Parliamentary Union (IPU) Global Conference of Young Parliamentarians Held in Hanoi, Vietnam from 15th to 17th September, 2023

(Sen. John Methu, MP)

2. NOTICES OF MOTION

- i) **REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 13TH PLENARY ASSEMBLY OF THE FORUM OF PARLIAMENTS OF THE MEMBER STATES OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR), HELD IN JUBA, SOUTH SUDAN**

(Sen. Roba Ali Ibrahim, MP)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 13th Plenary Assembly of the Forum of Parliaments of the Member States of the International Conference on the Great Lakes Region (FP-ICGLR), held in Juba, South Sudan, laid on the table of Senate on Thursday, 7th December, 2023.

- ii) **REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANG'A, NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2019/2020**

(The Chairperson, County Public Accounts Committee)

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang'a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5th March, 2024.

- iii) **REPORT OF THE 9TH INTER-PARLIAMENTARY UNION (IPU) GLOBAL CONFERENCE OF YOUNG PARLIAMENTARIANS HELD IN HANOI, VIETNAM FROM 15TH TO 17TH SEPTEMBER, 2023**

(Sen. John Methu, MP)

THAT, the Senate notes the Report of the 9th Inter-Parliamentary Union (IPU) Global Conference of Young Parliamentarians held in Hanoi, Vietnam from 15th to 17th September, 2023, laid on the table of Senate on Tuesday, 5th March, 2024.

3. QUESTIONS AND STATEMENTS

STATEMENTS PURSUANT TO STANDING ORDER 53(1)

- i.) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding reservation of procurement opportunities for disadvantaged groups.
- ii.) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the collapse of Malakisi Cotton Ginnery in Sirisia Constituency, Bungoma County.
- iii.) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a Statement from the Standing Committee on Education concerning the fate of Primary Education Certificate (P1) and Early Childhood Development Education (ECDE) teachers following the Ministry of Education guideline, prescribing a minimum qualification of a Diploma.
- iv.) Nominated Senator (Sen. Betty Montet, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the collection and distribution of royalties to artists.
- v.) Nominated Senator (Sen. Mariam Sheikh, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding delayed processing of passport applications in Kenya.
- vi.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Education regarding the payment of hardship allowance to teachers in Nyando Sub-County in Kisumu County.
- vii.) The Senator for Mandera County (Sen. Ali Ibrahim Roba, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the status of the implementation of the Horn of Africa Gateway Development Project (HOAGDP).
- viii.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning repatriation of Kenyan refugees from Ethiopia.

NOTICE PAPER I**Tentative Business for****Wednesday, March 06, 2024 (Morning Sitting)***(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 Wednesday, March 06, 2024 (Morning Sitting).

A. QUESTIONS

| QUESTION NO. | SENATOR | SUBJECT | MINISTRY |
|---------------------|----------------------------------|--|---------------------|
| 010 | Sen. (Prof.) Tom Ojienda, SC, MP | Road accidents involving tractors transporting sugarcane in Kisumu County | Roads and Transport |
| 011 | Sen. Samson Cherarkey, MP | Financial performance of Kenya Airways (KQ) | Roads and Transport |
| 012 | Sen. Samson Cherarkey, MP | Status of the ongoing project for the expansion of Kerenga Airstrip in Kericho County | Roads and Transport |
| 013 | Sen. Samson Cherarkey, MP | Status of road construction projects in Nandi County | Roads and Transport |
| 014 | Sen. Enoch Wambua, CBS, MP | Compensation arising from the construction of the Kibwezi-Athi-Mutomo-Kitui-Migwani Road | Roads and Transport |
| 015 | Sen. Enoch Wambua, CBS, MP | State of airstrips in Kitui County | Roads and Transport |

...../Notice Paper I

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|-----|-------------------------------|---|---|
| 016 | Sen. Kathuri Murungi, MGH, MP | Pending bills at the Kenya Urban Roads Authority (KURA) and the Kenya National Highways Authority (KENHA) | Roads and Transport |
| 021 | Sen. Edwin Sifuna, MP | Failure by the e-Citizen digital platform to process payments made to some Government institutions | The National Treasury and Economic Planning |
| 025 | Sen. James Murango, MP | Establishment of public libraries in the 47 counties | Gender, Culture, the Arts and Heritage |

B. MOTION

REPORT OF THE 66TH COMMONWEALTH PARLIAMENTARY CONFERENCE
HELD IN ACCRA, GHANA FROM 30TH SEPTEMBER – 6TH OCTOBER, 2023
(Sen. (Prof.) Margaret Kamar, MP)

...../Notice Paper II

NOTICE PAPER II

Tentative Business for

Wednesday, March 06, 2024 (Afternoon Sitting)

(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 Wednesday, March 06, 2024.

A. COMMITTEE OF THE WHOLE

- i) **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
- ii) *THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)
(Sen. Samson Cherarkey, MP)
- iii) ***THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)
(The Senate Majority Leader)
- iv) *THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)

B. BILLS AT THE SECOND READING STAGE

- i) *THE REAL ESTATE REGULATION BILL (SENATE BILLS NO. 35 OF 2023)
(Sen. Allan Kiprotich Chesang, MP)
- ii) *THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)
(Sen. (Dr.) Boni Khalwale, MP)
- iii) THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)
(Sen. Kathuri Murungi, MP)

C. MOTION

REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANGÁ, NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2019/2020
(The Chairperson, County Public Accounts Committee)
