



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER
TUESDAY, MARCH 26, 2024 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
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 LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**
(The Chairperson, Standing Committee on Energy)

(First Reading)

9. **THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**
(Sen. Moses Kajwang², MP)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 20th March, 2024 –
Afternoon Sitting)***

10. *****THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022)**
(Sen. David W. Wafula, MP – Co-sponsor)

(Second Reading)

(Resumption of debate interrupted on Thursday, 21st March, 2024)

11. ****THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)**
(The Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

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

(Second Reading)

- 13. ***THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**
(Sen. Beatrice Ogolla, MP)

(Second Reading)

- 14. ***THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)**
(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

- 15. ***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 25 OF 2023)**
(Sen. Samson Cherarkey, MP)

(Second Reading)

- 16. ***THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)**
(Sen. Mohamed Chute, MP)

(Second Reading)

- 17. **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, 6th March, 2024 – Morning Sitting – Balance of time 56 minutes)

18. 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.

...../Motion

19. **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, 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.

NOTICE

The Senate resolved on 14th February, 2024 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. MESSAGE

Message from the National Assembly on the passage by the National Assembly of the Division of Revenue Bill (National Assembly Bills No. 14 of 2024).

(The Speaker of the Senate)

2. PAPERS

- i.) Report of the Auditor General on Financial Statements of Kisumu County Alcoholic Drinks Control Fund for the year ended 30th June, 2021.
- ii.) Report of the Auditor General on Financial Statements of Kisumu County Alcoholic Drinks Control Fund for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on Financial Statements of Kisumu County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- iv.) Report of the Auditor General on Financial Statements of Kiambu Municipality for the year ended 30th June, 2023.
- v.) Report of the Auditor General on Financial Statements of Limuru Municipality for the year ended 30th June, 2023.
- vi.) Report of the Auditor General on Financial Statements of Ruiru Municipality for the year ended 30th June, 2023.
- vii.) Report of the Auditor General on Financial Statements of Makueni County Assembly State and Public Officers Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statements of Makueni County Fruit Development and Marketing Authority for the year ended 30th June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Kajiado County Education Bursary Grants and Scholarship Fund for the year ended 30th June, 2023.
- x.) Report of the Auditor General on Financial Statements of Kajiado Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- xi.) Report of the Auditor General on Financial Statements of Baringo County Executive Car Loan Scheme Fund for the year ended 30th June, 2023.

...../Appendix

- xii.) Report of the Auditor General on Financial Statements of Baringo County Assembly Catering and Health Services Scheme Fund for the year ended 30th June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of Baringo County Youth and Women Fund for the year ended 30th June, 2023.
- xiv.) Report of the Auditor General on Financial Statements of Vihiga County Education Fund for the year ended 30th June, 2023.
- xv.) Report of the Auditor General on Financial Statements of Vihiga County Facility Improvement Fund for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of the County Government of Vihiga – Climate Change Fund for the year ended 30th June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of the County Government of Homa Bay - County Revenue Fund for the year ended 30th June, 2023.
- xviii.) Report of the Auditor General on Financial Statements of Kisii Teaching and Referral Hospital for the year ended 30th June, 2023.
- xix.) Report of the Auditor General on Financial Statements of Kericho County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2023.
- xx.) Report of the Auditor General on Financial Statements of Municipality of Eldoret for the year ended 30th June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of Garissa Municipality for the year ended 30th June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of Municipality of Lamu for the year ended 30th June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of the County Government of Nyamira – County Revenue Fund for the year ended 30th June, 2023.
- xxiv.) Report of the Auditor General on Financial Statements of Trans Nzoia County Elimu Bursary Fund for the year ended 30th June, 2023.

(The Senate Majority Leader)

- xxv.) Report of the Standing Committee Labour and Social Welfare on the Gambling Control Bill (National Assembly Bills No. 70 of 2023).

(The Chairperson, Standing Committee Labour and Social Welfare)

3. NOTICE OF MOTION – STATUS OF PENDING BILLS IN COUNTIES
(Sen. Ledama Olekina, MP)

AWARE THAT, as at 31st December, 2023, according to the County Governments Budget Implementation Review report for the first half of the financial year 2023/2024, County Governments had accumulated a total of Ksh.156.34 Billion shillings in pending bills with Nairobi City County accumulating the largest share of Ksh.107, 037,053,000 followed by Kiambu and Mombasa Counties at Kshs. 5,711,614,412 and Kshs. 3,922,131,877 respectively;

CONCERNED THAT, the accumulated pending bills in Counties have significantly affected service providers in the counties leading to closure of businesses, stalling of county projects, adversely affecting economic growth in counties, service delivery and ultimately slowing down the country’s economic growth;

FURTHER CONCERNED that most of the service providers in the counties are battling court cases lodged against them by their financiers and suppliers while others are languishing in poverty exacerbated by the increased cost of living, with increased mental health disease incidences and others dying as a result of the effects of colossal amounts of debt owed to them by county governments;

NOW THEREFORE, the Senate-

1. recommends that all County Governments pay verified pending bills amounting to less than Ksh. 1 Billion by the end of this financial year and those above Ksh.1 Billion by the end of the financial year 2024/2025; and
2. Resolves that-
 - i. pursuant to the provisions of Regulation 41(2) & (3) of the Public Finance Management (County Governments) Regulations, 2015, County Governments prioritize payment of pending bills as a first charge on the County Revenue Fund failure to which the subsequent quotas budget releases will not be done;
 - ii. County Governments shall only pay pending Bills contained in their respective procurement plans pursuant to Regulation 50 (2) & (3) of the Public Finance Management (County Governments) Regulations;
 - iii. Supplementary budgets for county governments are prepared in the 3rd Quarter to curb instances of arbitrary re-allocations out of the approved budget estimates; and
 - iv. County governments shall conduct public participation while formulating supplementary budgets, failure to which the Controller of Budget (CoB) shall not approve the supplementary budgets.

4. QUESTIONS AND STATEMENTS

Request for Statements pursuant to Standing Order 53(1)

- i) The Senator for Kajiado County (Sen. Lenku Kanar Seki, MP) to seek a Statement from the Standing Committee on Education regarding entry qualifications for Early Childhood Development Education (ECDE) teachers.
- ii) The Senator for Kajiado County (Sen. Lenku Kanar Seki, MP) to seek a Statement from the Standing Committee on Education regarding the fate of teachers holding P1 certificate following a review of entry qualification into the teaching service.
- iii) The Senator for Machakos County (Sen. Agnes Kavindu, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the approved budgets for Machakos County Government from financial years 2013/2014 to 2022/2023.
- iv) The Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare concerning the composition and compliance of various boards, committees and forums in Bomet County.
- v) The Senator for Kirinyaga County (Sen. James Murango, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the delayed upgrading of infrastructure in Ngurubani town in Kirinyaga County.
- vi) Nominated Senator (Sen. Beth Syengo, MP) to seek a Statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration regarding the access of opportunities and improvement of the quality of life and status of the Daasanach Community in Marsabit County.
- vii) Nominated Senator (Sen. Beth Syengo, MP) to seek a Statement from the Standing Committee on Education regarding compliance by schools with road safety protocols.
- viii) The Senator for Meru County (Sen. Kathuri Murungi, MP) to seek a Statement from the Standing Committee on Health concerning the delayed remittance of funds by the National Health Insurance Fund (NHIF) to health facilities.

NOTICE PAPER I**Tentative Business for****Wednesday, March 27, 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 27, 2024 (Morning Sitting).

A. QUESTIONS

QUESTION NO.	SENATOR	SUBJECT	MINISTRY
008	Sen. James Murango, MP	Issuance of title deeds to public schools in Kirinyaga County	Lands, Public Works, Housing and Urban Development
017	Sen. Mohamed Chute, MP	Government-owned land designated for the Affordable Housing Project	Lands, Public Works, Housing and Urban Development
018	Sen. Edwin Sifuna, MP	Ownership of the land on which the Tom Mboya Social Hall in Makadara Constituency stands	Lands, Public Works, Housing and Urban Development
007	Sen. James Murango, MP	Delay in replacing defective power transformers in Mwea Constituency	Energy and Petroleum
020	Sen. Mohamed Chute, MP	Disruptions of power supply in most parts of the country on 11 th November and 25 th August, 2023	Energy and Petroleum
025	Sen. James Murango, MP	Establishment of public libraries in the 47 counties	Gender, Culture, the Arts and Heritage
037	Sen. (Dr.) Boni Khalwale, CBS, MP	Welfare of Kenyans working in the Gulf States	Foreign and Diaspora Affairs

...../Notice Paper I

040	Sen. (Prof.) Tom Ojienda, SC, MP	Obligations of the Government to Kenyans in the diaspora who face arrest, detention and deportation	Foreign and Diaspora Affairs
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B. MOTION

- i) REPORT OF THE 66TH COMMONWEALTH PARLIAMENTARY CONFERENCE HELD IN ACCRA, GHANA FROM 30TH SEPTEMBER – 6TH OCTOBER, 2023
 (Sen. (Prof.) Margaret Kamar, MP)
- ii) REPORT OF THE 147TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN LUANDA, ANGOLA ON 23RD TO 27TH OCTOBER, 2023
 (Sen. Catherine Mumma, MP)
- iii) REPORT OF THE 63RD SESSION OF THE OACPS PARLIAMENTARY ASSEMBLY AND 43RD SESSION OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY MEETINGS IN BRUSSELS, BELGIUM.
 (Sen. Kathuri Murungi, MP)
- iv) 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)
- v) 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)

NOTICE PAPER II

Tentative Business for

Wednesday, March 27, 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 27, 2024 (Afternoon Sitting).

A. BILLS AT THE SECOND READING STAGE

- i) *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)
(Sen. James Murango, MP)
- ii) ***THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)
(The Senate Majority Leader)
- iii) *THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)
(Sen. (Dr.) Boni Khalwale, MP)
- iv) *THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)
(Sen. Kathuri Murungi, MP)
- v) *THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)
(Sen. Edwin Sifuna, MP)
- vi) ****THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)
(The Senate Majority Leader)

B. MOTION

REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF WEST POKOT COUNTY ASSEMBLY FOR THE FINANCIAL YEAR 2018/2019 AND REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF ISIOLO, KIAMBU, KITUI, MARSABIT, NAROK, NYAMIRA, TRANS NZOIA, WEST POKOT AND MURANG'A COUNTY ASSEMBLIES FOR THE FINANCIAL YEAR 2019/2020.

(The Chairperson, County Public Accounts Committee)
