

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (THIRD SESSION)

THE SENATE

ORDER PAPER

THURSDAY, MAY 02, 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
- 7. Questions and Statements (as listed in the Appendix)
- 8. **COMMITTEE OF THE WHOLE**

***THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 14 OF 2024)

(The Senate Majority Leader)

9. COMMITTEE OF THE WHOLE

***THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)

(The Senate Majority Leader)

10. COMMITTEE OF THE WHOLE

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

(Sen. Samson Cherarkey, MP)

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

(Sen. Beatrice Ogolla, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 16th April, 2024)

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

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

(Second Reading)

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

(Sen. James Murango, 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 RICE BILL (SENATE BILLS NO. 19 OF 2023)

(Sen. James Murango, MP)

(Second Reading)

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

(Sen. Karungo Thang'wa, MP)

(Second Reading)

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

(Sen. Mohamed Chute, MP)

(Second Reading)

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

(Sen. (Dr.) Boni Khalwale, MP)

(Second Reading)

19. 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)

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THAT, the Senate adopts the 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 Murangá County Assemblies for the financial year 2019/2020 laid on the table of the Senate on Thursday, 7th March, 2024.

(Resumption of debate interrupted on Tuesday, 30th April, 2024)

20. 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;

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- 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.

(Resumption of debate interrupted on Wednesday, 24th April, 2024 Morning Sitting – Balance of time 1 hour 8 minutes)

21. <u>HOJA - KUIDHINISHWA KWA RUZUKU YA MASHARTI KWA UJENZI WA</u> UWANJA WA MANISPAA YA MOMBASA

(Seneta Mohamed Mwinyihaji Faki, Mbunge)

KUFAHAMU KWAMBA Sehemu ya 2 ya Ratiba ya Nne ya Katiba ya Kenya inazipa Serikali za Kaunti jukumu la kuendeleza, kuanzisha, kusimamia na kudumisha vifaa vya michezo na kitamaduni ambavyo ni pamoja na viwanja, viwanja vya michezo, vituo vya kitamaduni, na miundombinu mingine inayohusiana;

IKIKUMBUKWA KUWA ukanda mzima wa Pwani Nchini hauna uwanja wa kisasa uliojengwa kwa viwango vya kimataifa, hivyo kuwanyima wananchi manufaa yanayotokana na viwanja na vifaa vya michezo;

WASIWASI kwamba ujenzi wa uwanja wa michezo wa Manispaa ya Mombasa umekumbwa na ucheleweshaji na vikwazo tangu kuanzishwa kwa mradi huo mwaka wa 2019 kutokana na matatizo ya kifedha, ambayo yameathiri utekelezaji wa mradi na kunyima jamii eneo hilo uwanja unohitajika sana;

KWA HIVYO SASA Bunge la Seneti linaazimia kwamba Hazina ya Kitaifa na Wizara ya Masuala ya Vijana, Uchumi Ubunifu na Michezo itengee Serikali ya Kaunti ya Mombasa ruzuku ya masharti ya Shilingi bilioni 1.7 kwa ajili ya kukamilisha ujenzi wa Uwanja wa Manispaa ya Mombasa.

(Mjadala uliokatizwa Jumane, 23 Aprili, 2024 kuendelezwa – Muda uliosalia – Lisaa limoja na dakika hamsini na tisa)

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22. 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 socioeconomic 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;

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)

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23. MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE STATUS OF IMPLEMENTATION OF PROJECTS FUNDED BY THE CONDITIONAL GRANT FOR THE CONSTRUCTION OF COUNTY HEADQUARTERS

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the status of implementation of projects funded by the Conditional Grant for the construction of County Headquarters laid on the Table of the Senate on Thursday, 28th March, 2024.

24. 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.

25. MOTION - REPORT OF THE 66TH COMMONWEALTH PARLIAMENTARY CONFERENCE HELD IN ACCRA, GHANA FROM 30TH SEPTEMBER - 6TH OCTOBER, 2023

(Sen. (Prof.) Margaret Kamar, MP)

THAT, the Senate notes the Report of the 66th Commonwealth Parliamentary Conference held in Accra, Ghana from 30th September – 6th October, 2023 laid on the Table of the Senate on 15th February, 2024.

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- 26. MOTION 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)
 - **THAT,** the Senate notes the Report of the 63rd Session of the OACPS Parliamentary Assembly and 43rd Session of the ACP-EU Joint Parliamentary Assembly Meetings in Brussels, Belgium laid on the table of Senate on Wednesday, 6th December, 2023.
- 27. MOTION 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. Ali Ibrahim Roba, MP)
 - **THAT**, the Senate notes 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.
- 28. MOTION 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 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.

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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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NOTICE OF AMENDMENTS

A. ***THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 14 OF 2024)

(The Senate Majority Leader)

NOTICE is given that the Chairperson, Standing Committee on Finance and Budget, intends to move the following amendment to the Division of Revenue Bill (National Assembly Bills No. 14 of 2024), at the Committee Stage-

SCHEDULE

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

SCHEDULE (s.4) ALLOCATION OF REVENUE RAISED NATIONALLY BETWEEN THE NATIONAL GOVERNMENT AND COUNTY GOVERNMENTS FOR THE 2024/25 FINANCIAL YEAR.

Type/Level of allocation	Amount in KSh.	Percentage (%) of 2020/21 audited and approved Revenue i.e. KSh. 1,570,562,945,014
A. Total Sharable Revenue	2,948,123,505,582	
B. National Government	2,524,318,490,857	
C. Equalization Fund	7,852,814,725	0.50%
D. County equitable share	415,952,200,000	26.48%

B. ***THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)

(The Senate Majority Leader)

NOTICE is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023) —

CLAUSE 3

THAT clause 3 of the Bill be amended in subclause (1) deleting paragraph (c) and substituting therefor the following new paragraph –

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	of public	service	s.									
(c)	enhance	public	confidence	nı e	the	integrity	ot	public	office	and	delive	ery

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (1) by deleting the words "interest of the officer or the interests" appearing immediately after the word "to further the" and substituting therefor the words "private interest of the officer or".

CLAUSE 15

THAT clause 15 of the Bill be amended in subclause (1)(b) by deleting the word "offer" appearing immediately after the words "reporting authority any" and substituting therefor the word "acceptance".

CLAUSE 19

THAT clause 19 of the Bill be amended -

- (a) in subclause (1) by deleting the words "or beneficiary of" appearing immediately after the words "be a party to"; and
- (b) in subclause (2) by deleting the words "or beneficiary of" appearing immediately after the words "be a party to".

CLAUSE 27

THAT clause 27 of the Bill be amended in subclause (1) by deleting paragraph (a) and substituting therefor the following new paragraph –

(a) act for or on behalf of any person in connection with any specific proceeding, transaction, negotiation or case in which a reporting authority is a party and with respect to which the former public officer had acted for, or provided advice to the reporting authority;

CLAUSE 29

THAT clause 29 of the Bill be amended by inserting the following new subclause immediately after subclause (2) –

(3) The provisions of this section and sections 27 and 28, shall not apply to a former public officer representing another person in any proceedings before a court of law or tribunal established by law including as a witness.

CLAUSE 34

THAT clause 34 of the Bill be amended in subsection (2) by deleting the words "after due process" appearing immediately after the words "agency shall" and substituting therefor the words "subject to the right to privacy as provided for under the Constitution and pursuant to a court order or the Access to Information Act".

CLAUSE 41

THAT clause 41 of the Bill be amended by inserting the following new clause immediately after subclause (2) –

(3) If the Commission or a reporting entity fails to conclude the investigations within ninety days, the investigations shall be deemed to have been concluded at the expiry of the ninety days and the officer shall resume his or her duties.

CLAUSE 42

THAT clause 42 of the Bill be amended in subsection (1) by inserting the words "or a reporting authority" immediately after the words "the Commission".

C. MOTION - STATUS OF PENDING BILLS IN COUNTIES

(Sen. Ledama Olekina, MP)

NOTICE is given that the Senator for Homa Bay County (Sen. Moses Kajwang', MP) intends to move the following amendment to the Motion on the status of pending bills in counties-

THAT, the Motion be amended in paragraph 2 as follows –

- i) in sub-paragraph (i), by deleting all the words immediately after the word "County Governments" and inserting the following words in place thereof "prepare and submit to the Controller of Budget, a payment plan, prioritizing payment of pending bills as a first charge on the County Revenue Fund, failure to which the subsequent quota budget releases will not be done."
- ii) by inserting a new sub -paragraph immediately after sub-paragraph (i) as follows
 - (ii) "the Controller of Budget takes into consideration the efforts made by a county government to clear inherited pending bills when approving exchequer releases;

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- iii) by inserting a new sub-paragraph immediately after sub-paragraph (iv) as follows
 - (v) "County governments, in consultation with the Controller of Budget, to provide a budget for completion of all existing projects and that initiation of new projects to cease until completion of the existing projects.

APPENDIX

1. PAPERS

- i) The Valuers (Forms and Fees) (Amendment) Rules, Legal Notice No. 69 of 2024;
- ii) The Survey (Electronic Cadastre Transactions) (Amendment) Regulations, Legal Notice No. 70 of 2024;
- iii) The Survey (Amendment) Regulations, Legal Notice No. 71 of 2024;
- iv) The Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024;
- v) The Community Land (Amendment) Regulations, Legal Notice No. 73 of 2024;
- vi) The Land (Amendment) Regulations, Legal Notice No. 74 of 2024;
- vii) The Land Registration (Revocation) Regulations, Legal Notice No. 75 of 2024;
- viii) The Land Adjudication (Amendment) Regulations, Legal Notice No. 76 of 2024; and
 - ix) The Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024.

(The Senate Majority Leader)

x) Report of the Standing Committee on Education on its consideration of the Early Childhood Education (Amendment) Bill (Senate Bills No. 54 of 2023).

(The Chairperson, Standing Committee on Education)

2. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 52(1)

The Senator for Nandi County (Sen. Samson Cherarkey, MP) to make a Statement on a matter of national and general topical concern relating to the Mai Mahiu floods tragedy that led to the death of over forty-five (45) people.

b) Pursuant to Standing Order 53(1)

- i) The Senator for Lamu County (Sen. Joseph Githuku, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the re-constitution of the Lamu County Lands Control Board.
- ii) The Senator for Lamu County (Sen. Joseph Githuku, MP) to seek a Statement from the Standing Committee on Education regarding the completion status of the Lamu Technical Training Institute (TTI).

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- iii) Nominated Senator (Sen. Gloria Orwoba, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the recent surge in tree felling activities in Nairobi City County.
- iv) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the mismanagement and financial impropriety in the sports sector.
- v) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Roads and Transportation concerning the non-adherence to construction plans for interchanges along the Nairobi Western bypass.

c) 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, 7th May, 2024.

NOTICE PAPER

Tentative Business for Tuesday, May 07, 2024

(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, May 07, 2024.

A. BILLS AT THE SECOND READING STAGE

- i. *THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)
 (Sen. Kathuri Murungi, MP)
- ii. *THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023) (Sen. Esther Anyieni Okenyuri, MP)
- iii. *THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023) (Sen. Edwin Sifuna, MP)
- iv. ***THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)
 (The Senate Majority Leader)
- v. ****THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023) (The Senate Majority Leader)
- vi. ***THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)
 (The Senate Majority Leader)

MOTIONS

- i. <u>ESTABLISHMENT OF A MONTHLY CAR FREE DAY AND COUNTY CAR</u>
 <u>FREE ZONES</u>
 (Sen. Crystal Asige, 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. <u>ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA</u> (Sen. Johnes Mwaruma, MP)
