



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER
AFTERNOON SITTING
THURSDAY, MAY 09, 2024 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. ******THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2024)**
(The Senate Majority Leader)

(First Reading)

9. **HOJA - KUIDHINISHWA KWA RUZUKU YA MASHARTI KWA UJENZI WA 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;

...../Motion

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 Jumatano, 08 Mei, 2024 - Kikao cha mchana
kuendelea)
(Kura ya Mgawanyiko)*

10. **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

...../Motion

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
- v. Controller of Budget (CoB) shall not approve the supplementary budgets.

***(Resumption of debate interrupted on Tuesday, 7th May, 2024)
(Division on amendment)***

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 Wednesday, 8th May, 2024 –
Afternoon Sitting)***

12. *THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)

(Sen. Lenku Ole Kanar Seki, MP)

(Second Reading)

13. **THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)

(The Chairperson, Standing Committee on Energy)

(Second Reading)

14. *THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)

(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

- 15. ***THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)**
(Sen. Eddy Oketch, MP)
(Second Reading)

- 16. ***THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)**
(Sen. Mohamed Abass Sheikh, MP)
(Second Reading)

- 17. ***THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)**
(Sen. Kathuri Murungi, MP)
(Second Reading)

- 18. *****THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**
(Sen. Samson Cherarkey, MP – Co- Sponsor)
(Second Reading)

- 19. ***** THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)**
(The Senate Majority Leader)
(Second Reading)

- 20. **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)

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)

...../Motion

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;

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)

...../Motion

22. **MOTION - ADOPTION OF THE PROGRESS REPORT OF THE AD HOC COMMITTEE ON THE COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES OF AMERICA EMBASSY IN NAIROBI**

(The Chairperson, Ad Hoc Committee)

THAT, the Senate adopts the progress report of the Ad-Hoc Committee on the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi, laid on the Table of the Senate on Thursday, 2nd May, 2024.

23. **MOTION – ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA**

(Sen. Johnes Mwaruma, MP)

AWARE THAT Article 43 (1) (a) of the Constitution of Kenya provides that every person has the right to the highest attainable standard of health, including reproductive health care;

NOTING THAT in Kenya, we have five National Teaching and Referral hospitals with Kenyatta University Research and Teaching Hospital in Kiambu County and Moi Teaching and Referral Hospital in Eldoret, Uasin Gishu County being the only ones outside Nairobi County;

CONCERNED THAT the bed capacity, medical equipment and human capital in these National Teaching and Referral hospitals are not sufficient to absorb all the patients seeking specialized treatment;

FURTHER CONCERNED THAT many Kenyans with critical health conditions travel long distances in order to access specialized services in Moi Teaching and Referral Hospital in Eldoret or Nairobi where the other four National Teaching and Referral hospitals are located, leading to high cost of travel, augmented disease and in some cases deaths along the way;

NOW THEREFORE the Senate urges-

1. The Ministry of Health to:
 - i. Establish National Teaching and Referral hospitals in the Coast, Eastern, North Eastern, Nyanza and Western regions; and
 - ii. Fully equip the National Teaching and Referral Hospitals with modern medical equipment, medical supplies and personnel; and

...../Motion

- 2. The County Governments to allocate more funds to their respective health dockets to adequately facilitate their County Level 5 and Level 6 hospitals in order to enhance provision of critical health services to reduce the demand for such services from the National Teaching and Referral Hospitals.

24. **MOTION - REPORT OF THE KENYA DELEGATION TO THE EXTRAORDINARY SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT (PAP) HELD AT THE GALLAGHER CONVENTION CENTRE, MIDRAND, SOUTH AFRICA, FROM 20TH TO 27TH MARCH, 2024**
(Sen. Danson Mungatana, MP)

THAT, the Senate notes the Report of the Kenya Delegation to the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP) held at the Gallagher Convention Centre, Midrand, South Africa, from 20th to 27th March, 2024, laid on the Table of the Senate on Wednesday, 24th April, 2024.

25. **MOTION - COUNTY GOVERNMENTS TO SET ASIDE LAND FOR THE PLANTING OF INDIGENOUS TREES**
(Sen. Richard Onyonka, MP)

THAT, AWARE of the crucial role played by indigenous trees in purification of air and combating of climate change, protection against floods and water pollution, in the field of medicine, nutrition and timber production, among other roles;

APPRECIATING that the National Government, through the National Landscape and Ecosystem Restoration Programme, plans to increase the national forest cover to 30% by planting fifteen (15) billion trees and, in furtherance of the Programme, gazetted 13th November, 2023 as a Public Holiday to allow Kenyans to plant trees;

CONCERNED that the Government is yet to establish elaborate measures for the growing and protecting of indigenous trees and to involve such crucial players as the County Governments, hence impeding the sustainability of the programme;

NOW, THEREFORE, the Senate urges the 47 county Governments to set aside land and resources to be used in the planting and protection of indigenous trees, in support of the initiatives by the National Government.

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

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;

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. PETITION

Report of the Standing Committee on Health on a Petition by Mr. Jafar Muhsin Kasay and others concerning management and use of Kenyatta University Teaching and Referral and Research Hospital (KUTRRH) by medical students.

(The Chairperson, Standing Committee on Health)

2. PAPERS

- i.) Report of the Auditor General on Financial Statements of Narok Water and Sewerage Services Company Limited for the year ended 30th June, 2023.
- ii.) Report of the Auditor General on Financial Statements of Nolturesh Loitokitok Water and Sanitation Company Limited for the year ended 30th June, 2023.
- iii.) Report of the Auditor General on Financial Statements of Imetha Water and Sanitation Company Limited for the year ended 30th June, 2023.
- iv.) Report of the Auditor General on Financial Statements of Municipality of Kapenguria for the year ended 30th June, 2023.
- v.) Report of the Auditor General on Financial Statements of Homa Bay County Water and Sanitation Company Limited for the year ended 30th June, 2023.
- vi.) Report of the Auditor General on Financial Statements of Sibbo Water and Sanitation Company Limited for the year ended 30th June, 2023.
- vii.) Report of the Auditor General on Financial Statements of Trans Nzoia County Executive Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statement of the County Government of Trans Nzoia – County Revenue Fund for the year ended 30th June, 2023.
- ix.) Report of the Auditor General on Financial Statements of the County Government of Trans Nzoia – Receiver of Revenue, Revenue Statements for the year ended 30th June, 2023.
- x.) Report of the Auditor General on Financial Statements of Trans Nzoia County Youth and Women Development Fund for the year ended 30th June, 2023.

...../Appendix

- xi.) Report of the Auditor General on Financial Statements of Nakuru County Executive Mortgage (Staff) Scheme Fund for the year ended 30th June, 2023.
- xii.) Report of the Auditor General on Financial Statements of Eldama Ravine Water and Sewerage Company Limited for the year ended 30th June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of Kirandich Water Company Limited for the year ended 30th June, 2023.
- xiv.) Report of the Bomet County Assembly Select Committee on Public Investments and Accounts on inquiry into the operations and performance of the Bomet Water and Sanitation Company Limited for the year ended 30th June, 2021.

(The Senate Majority Leader)

- xv.) Report of the Standing Committee on Health on inquiry into alleged irregularities in the procurement of long-lasting insecticide treated nets at the Kenya Medical Supplies Authority (KEMSA).

(The Chairperson, Standing Committee on Health)

3. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 53(1)

- i) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the employment of persons above the mandatory retirement age by Kisumu County Government.
- ii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the state of stadia facilities in Kisumu County.
- iii) Nominated Senator (Sen. Raphael Chimera, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding alleged corruption and nepotism at the Kenya Academy of Sports (KAS).
- iv) Nominated Senator (Sen. Raphael Chimera, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the deteriorating condition of the Marere bridge along the Kwale – Kinango road.

- v) Nominated Senator (Sen. Raphael Chimera, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the construction of the Mwache multi-purpose dam project in Kwale County.
- vi) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) to seek a Statement from the Standing Committee on National Security, Defense and Foreign Relations regarding insecurity in Vihiga County.
- vii) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) to seek a Statement from the Standing Committee on Health regarding the unprocedural disciplinary proceedings against healthcare workers at the Vihiga County Referral Hospital.
- viii) Nominated Senator (Sen. Catherine Mumma, MP) to seek a Statement from the Standing Committee on Education concerning access to village and youth polytechnics for the youth in informal settlements.
- ix) Nominated Senator (Sen. Catherine Mumma, MP) to seek a Statement from the Standing Committee on Education regarding the efforts of the National Government and the Nairobi City County Government to facilitate equal access to public education for children in informal settlements in Nairobi City County.
- x) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a Statement from the Standing Committee on Information, Communication and Technology regarding the loss of Free-To-Air (FTA) signal for licensed broadcast signal distributors in Kenya.
- xi) The Senator for West Pokot County (Sen. (Rev.) Julius Murgor, MP) to seek a Statement from the Standing Committee on Education regarding the welfare of Early Childhood Development Education (ECDE) teachers in West Pokot County.

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, 14th May, 2024.

NOTICE PAPER

Tentative Business for Tuesday, May 14, 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 14, 2024.

A. BILLS AT THE SECOND READING STAGE

- i) **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)
(The Chairperson, Standing Committee on Labour and Social Welfare)
- ii) *THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)
(Sen. James Murango, MP)
- iii) *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)
- iv) *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)
(Sen. James Murango, MP)
- v) *THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)
(Sen. Karungo Thang'wa, MP)
- vi) *THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)
(Sen. Mohamed Chute, MP)
- vii) *THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)
(Sen. (Dr.) Boni Khalwale, MP)

B. MOTIONS

- i) 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)

...../Notice Paper

- ii) 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)

- iii) 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)
