



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

THURSDAY, MARCH 21, 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. **MOTION - EXTENSION OF TIME FOR CONSIDERATION OF THE SACCO SOCIETIES (NON-DEPOSIT TAKING LEVY) ORDER, 2023 LEGAL NOTICE NO. 178 OF 2023**
(The Chairperson, Select Committee on Delegated Legislation)

THAT, AWARE THAT the Sacco Societies (Non-Deposit Taking Levy) Order, 2023 Legal Notice No. 178 of 2023 were tabled in the Senate on 15th November, 2023 and referred to the Select Committee on Delegated Legislation for consideration;

RECOGNIZING THAT this Order relates to imposition of a levy on non-deposit taking sacco societies;

COGNIZANT THAT Section 5 of the Statutory Instruments Act (Cap 2A, Laws of Kenya) requires that before a regulation making authority makes a statutory instrument that has a direct or substantial indirect effect on business, the regulation making authority must make appropriate consultations with persons likely to be affected by the proposed instrument;

REALIZING THAT the 28 sitting days timeline for consideration of the Regulations lapses on Thursday, 21st March, 2024, and yet the Committee has not been able to complete its work within the duration;

...../*Motion*

NOW THEREFORE, the Senate resolves to extend the timeline for the consideration of the Sacco Societies (Non-Deposit Taking Levy Order), 2023 (Legal Notice No. 178 of 2023) by a further twenty-one days pursuant to section 15(3) of the Statutory Instruments Act to enable the Committee consider the regulations and engage with all stakeholders and make its determination on or before Thursday, 11th April, 2024.

- 9. **MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS (ADDITIONAL ALLOCATIONS) CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2023/2024**
(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Additional Allocations) Cash Disbursement Schedule for the Financial Year 2023/2024, laid on the Table of the Senate on Wednesday, 20th March, 2024 and that, pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate approves the County Governments (Additional Allocations) Cash Disbursement Schedule for the Financial Year 2023/2024.

- 10. **MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2024 MEDIUM TERM DEBT MANAGEMENT STRATEGY**
(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2024 Medium Term Debt Management Strategy, laid on the Table of the Senate on Thursday, 7th March, 2024.

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

- 11. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**
(Sen. Moses Kajwang', MP)

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

- 12. ******THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**
(The Senate Majority Leader)

(Second Reading)

- 13. *****THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)**
(The Senate Majority Leader)

(Second Reading)

- 14. *****THE CONFLICT-OF-INTEREST BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)**
(The Senate Majority Leader)
(Second Reading)

- 15. *****THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)**
(The Senate Majority Leader)
(Second Reading)

- 16. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)**
(Sen. Johnes Mwaruma, MP)
(Second Reading)

- 17. ***THE NUTS AND OIL CROPS DEVELOPMENT BILL (SENATE BILLS NO. 47 OF 2023)**
(Sen. Hamida Kibwana, MP)
(Second Reading)

- 18. **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:

...../Motion

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)

19. **MOTION - ESTABLISHING 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 with adverse effect to millions of Kenyans;

CONCERNED THAT the number of private vehicles has significantly grown, leading to increased road accidents, carbon emission and vehicle congestion, costs of which are in excess of Kshs. 100 billion in GDP per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, Ministry of Environment, Climate Change and Forestry, in collaboration with the Council of Governors and the National Climate Change Council to –

- i.) identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas across the country;
- ii.) Identify and develop County car-free zones, also known as “pedestrians’ precincts”, in urbanized areas, where its infrastructure and activities are restricted to pedestrians alone;
- iii.) provide affordable, safe and universally designed public transport access to and around these car-free zones, including, but not limited to, development of Bus Rapid Transport (BRT) in the urban areas;

...../Motion

- iv.) design inclusive mobility infrastructure that supports non – motorized transport facilities, such as pedestrian spaces, bicycle lanes and green spaces, within the Central Business District of every County; and
- v.) ensure inter-modal connectivity among the various transport modes.

20. **MOTION - APPROVAL OF CONDITIONAL GRANT FOR THE CONSTRUCTION OF MOMBASA MUNICIPAL STADIUM**

(Sen. Mohamed Mwinyihaji Faki, MP)

THAT AWARE THAT Part 2 of the Fourth Schedule to the Constitution of Kenya obligates County Governments with the responsibility to develop, establish, manage, and maintain sports and cultural facilities which includes stadiums, sports arenas, cultural centers, and other related infrastructure;

NOTING THAT the entire Coastal region of the Country lacks a modern stadium built to international standards, thereby depriving the people the benefits that come with stadia and sports facilities;

CONCERNED THAT the construction of the Mombasa Municipal Stadium has encountered delays and setbacks since the inception of the project in 2019 due to financial constraints, which has since been halted depriving the community of the much-needed facility;

NOW THEREFORE the Senate resolves that the National Treasury and the Ministry of Youth Affairs, Creative Economy and Sports allocates a conditional grant to the County Government of Mombasa amounting to 1.7 billion Kenya Shillings for the completion of the Mombasa Municipal Stadium.

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. PAPERS

- i.) Report of the Auditor General on Financial Statements of Taita Taveta County Executive Car Loan and Mortgage Revolving Fund for the year ended 30th June, 2022.
- ii.) Report of the Auditor General on Financial Statements of Taita Taveta County Assembly Members Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- iii.) Report of the Auditor General on Financial Statements of Taita Taveta County Assembly Staff Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- iv.) Report of the Auditor General on Financial Statements of County Government of Taita Taveta Emergency Fund for the year ended 30th June, 2023.
- v.) Report of the Auditor General on Financial Statements of Taita Taveta County Facilities Improvement Fund for the year ended 30th June, 2023.
- vi.) Report of the Auditor General on Financial Statements of County Government of Taita Taveta – County Revenue Fund for the year ended 30th June, 2023.
- vii.) Report of the Auditor General on Financial Statements on Special Municipality of Mwatate Fund/Board for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statements of Nanyuki Water and Sanitation Company Limited for the year ended 30th June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Nyahururu Water and Sanitation Company Limited for the year ended 30th June, 2023.
- x.) Report of the Auditor General on Financial Statements of Rumuruti Municipality for the year ended 30th June, 2023.
- xi.) Report of the Auditor General on Financial Statements of the County Executive of Kisumu for the year ended 30th June, 2023.
- xii.) Report of the Auditor General on Financial Statements of the County Assembly of Kisumu for the year ended 30th June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of Kisumu County Emergency Fund for the year ended 30th June, 2023.

...../Appendix

- xiv.) Report of the Auditor General on Financial Statements of Kisumu County Car Loan and Mortgage Scheme Fund – County Government of Kisumu for the year ended 30th June, 2023.
- xv.) Report of the Auditor General on Financial Statements of Kiambu County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of Kiambu County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of Kiambu County Climate Change Fund for the year ended 30th June, 2023.
- xviii.) Report of the Auditor General on Financial Statements of Kiambu County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- xix.) Report of the Auditor General on Financial Statements of Kiambu County Education Bursary Fund for the year ended 30th June, 2023.
- xx.) Report of the Auditor General on Financial Statements of the County Executive of Kisii for the year ended 30th June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of the County Government of Kisii – Receiver of Revenue for the year ended 30th June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of Kisii County Bursaries Fund for the year ended 30th June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of Kisii County Covid-19 Emergency Fund for the year ended 30th June, 2023.
- xxiv.) Report of the Auditor General on Financial Statements of Kwale Municipality for the year ended 30th June, 2023.
- xxv.) Report of the Auditor General on Financial Statements of Diani Municipality for the year ended 30th June, 2023.
- xxvi.) Report of the Auditor General on Financial Statements of the County Executive of Kericho for the year ended 30th June, 2023.
- xxvii.) Report of the Auditor General on Financial Statements of the County Assembly of Kericho for the year ended 30th June, 2023.

- xxviii.) Report of the Auditor General on Financial Statements of the County Government of Kericho – Receiver of Revenue for the year ended 30th June, 2023.
- xxix.) Report of the Auditor General on Financial Statements of Kericho County Enterprise Fund for the year ended 30th June, 2023.
- xxx.) Report of the Auditor General on Financial Statements of Kericho County Emergency Fund for the year ended 30th June, 2023.
- xxxi.) Report of the Auditor General on Financial Statements of Turkana County Biashara Fund for the year ended 30th June, 2023.
- xxxii.) Report of the Auditor General on Financial Statements of Turkana County Education and Skills Development Fund for the year ended 30th June, 2023.
- xxxiii.) Report of the Auditor General on Financial Statements of Lodwar Municipality for the year ended 30th June, 2023.
- xxxiv.) Report of the Auditor General on Financial Statements of Busia Water and Sewerage Services Company Limited for the year ended 30th June, 2023.
- xxxv.) Report of the Auditor General on Financial Statements of Wajir Water and Sewerage Company Limited for the year ended 30th June, 2023.
- xxxvi.) Report of the Auditor General on Financial Statements of Municipality of Hola – County Government of Tana River for the year ended 30th June, 2023.
- xxxvii.) Report of the Auditor General on Financial Statements of Kapsabet Municipality for the year ended 30th June, 2023.
- xxxviii.) Report of the Auditor General on Financial Statements of Marsabit Municipality for the year ended 30th June, 2023.
- xxxix.) Report of the Auditor General on Financial Statements of Meru Water and Sewerage Services Registered Trustees for the year ended 30th June, 2023.
- xl.) Report of the Auditor General on Financial Statements of Iten Municipality for the year ended 30th June, 2023.

(The Senate Majority Leader)

- xli.) Report of the Standing Committee on Land, Environment and Natural Resources on the Meteorology Bill (Senate Bills No. 45 of 2023)

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

2. QUESTIONS AND STATEMENTS

a) Request for Statements pursuant to Standing Order 53(1)

- i) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a Statement from the Standing Committee on Energy regarding the alleged disproportionate expenditure of Corporate Social Responsibility (CSR) funds by the Kenya Power and Lighting Company (KPLC) in Embu County.
- ii) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the purchase of cereals by National Cereals and Produce Board (NCPB) from the farmers in Embu County.
- iii) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the alleged grabbing of public utility land LR. No.50059/86 in Makadara Constituency, Nairobi City County.
- iv) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the Nairobi Metropolitan Services (NMS) pending bills and the completion status of projects.
- v) The Senator for Uasin Gishu County (Sen. Jackson Mandago, MP) to seek a Statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration concerning diversity and inclusivity in staffing at the Parliamentary Service Commission (PSC).
- vi) Nominated Senator (Sen. Veronica Maina, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the recent road accidents in various regions of the country.

b) Statement 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, 26th March, 2024.

NOTICE PAPER

Tentative Business for **Tuesday, March 26, 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, March 26, 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 MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)
(Sen. Beatrice Ogolla, MP)
- iv) *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)
- v) *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)
(Sen. James Murango, MP)
- vi) *THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 25 OF 2023)
(Sen. Samson Cherarkey, MP)
- vii) *THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)
(Sen. Mohamed Chute, MP)
- viii) ***THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)
(The Senate Majority Leader)

B. MOTION

- i) 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)

...../Notice Paper

- 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)
