



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER
THURSDAY, MARCH 28, 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
7. Questions and Statements (as listed in the Appendix)
8. *****THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**
(Sen. Samson Cherarkey, MP – Co-sponsor)
(First Reading)
9. *****THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)**
(The Senate Majority Leader)
(First Reading)
10. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**
(Sen. Moses Kajwang', MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 26th March, 2024)
(Division)
11. *****THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022)**
(Sen. David W. Wafula, MP – Co-sponsor)
(Second Reading)
***(Resumption of debate interrupted on Wednesday, 27th March, 2024 –
Afternoon Sitting)***
(Division)

12. *****THE CONFLICT-OF-INTEREST BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of debate interrupted on Wednesday, 27th March, 2024 – Afternoon Sitting)
13. ***THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)**
(Sen. Karungo Thang'wa, MP)
(Second Reading)
14. ***THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)**
(Sen. Esther Anyieni Okenyuri, MP)
(Second Reading)
15. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)**
(Sen. Johnes Mwaruma, MP)
(Second Reading)
16. ***THE NUTS AND OIL CROPS DEVELOPMENT BILL (SENATE BILLS NO. 47 OF 2023)**
(Sen. Hamida Kibwana, 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;

...../Motion

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)

18. 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;

...../Motion

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.

19. **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.

...../Motion

20. **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.

21. **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.

22. **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.

23. **MOTION - ADJOURNMENT OF THE SENATE**

(The Senate Majority Leader)

THAT, pursuant to Standing Order 31 (3), the Senate do adjourn until Tuesday, 16th April, 2024.

NOTICE

The Senate resolved on 14th February, 2024 as follows:-

- i. **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.

- ii. **THAT**, notwithstanding the provisions of Standing Order 111(4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours, with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

KEY

******- Denotes a Majority /Minority Party Bill**

*****- Denotes a National Assembly Bill**

**** - Denotes a Committee Bill**

***- Denotes any other Bill**

-----**XXX**-----

APPENDIX**1. MESSAGES**

- i.) Message from the National Assembly on the passage by the National Assembly of the Cancer Prevention and Control (Amendment) (No. 2) Bill (National Assembly Bills No. 45 of 2022).
- ii.) Message from the National Assembly on the passage by the National Assembly of the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bills No. 44 of 2023).

(The Speaker of the Senate)

2. PAPERS

- i.) Report of the Auditor General on the Financial Statements of Kiambu County Assembly Staff Loan Scheme Fund for the year ended 30th June, 2023.
- ii.) Report of the Auditor General on the Financial Statements of Kiambu County Emergency Fund for the year ended 30th June, 2023.
- iii.) Report of the Auditor General on the Financial Statements of Turkana County Climate Change Fund for the seven (7) months period ended 30th June, 2023.
- iv.) Report of the Auditor General on the Financial Statements of West Pokot County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- v.) Report of the Auditor General on the Financial Statements of Trans-Nzoia County Nawiri Fund for the year ended 30th June, 2023.

(The Senate Majority Leader)

3. QUESTIONS AND STATEMENTS**a) Statement pursuant to Standing Order 52(1)**

The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to make a Statement regarding the exclusion of the Kenya Lionesses Rugby team from the Accra Africa Games, 2024.

b) Statements pursuant to Standing Order 53(1)

- i) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to seek a Statement from the Standing Committee on Energy regarding the Government to Government (G2G) Agreement on the supply of petroleum products in Kenya.

...../Appendix

- ii) The Senator for Lamu County (Sen. Joseph Kamau Githuku, MP) to seek a Statement from the Standing Committee on Health regarding the poor state of healthcare in Lamu County.

- iii) Nominated Senator, (Sen. Peris Tobiko, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the death of Inspector Felix Kelian Kintosi of the Directorate of Criminal Investigations (DCI).

c) 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, 16th April, 2024.

...../**Notice Paper**

NOTICE PAPER

Tentative Business for

Tuesday, April 16, 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, April 16, 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 COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 25 OF 2023)
(Sen. Samson Cherarkey, MP)
- vi) *THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)
(Sen. Mohamed Chute, MP)

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)

...../Notice Paper

- 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)
-