



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

TUESDAY, APRIL 30, 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
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. ***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 3 OF 2024)**
(Sen. Ledama Olekina, MP and Sen. William Kisang, MP)
9. ***THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2024)**
(Sen. Esther Okenyuri, MP)
10. ***THE COUNTY STATISTICS BILL (SENATE BILLS NO. 5 OF 2024)**
(Sen. Ali Roba Ibrahim, MP)
11. *****THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 14 OF 2024)**
(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 25th April, 2024)

...../Bill

12. ***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)

13. **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.

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

14. **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;

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)***

15. **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.

...../Motion

16. **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.

17. **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.

18. **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)

...../Motion

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.

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. PETITIONS

- i) Petition to the Senate by Mr. Laban Omusundi on restricting county governments from hiring law firms for legal representation in court cases.

(The Speaker of the Senate)

- ii) Petition to the Senate by Mr. Bernard Muchere, CFE concerning alleged corruption through the Standard Gauge Railway (SGR) Project.

(Sen. Andrew Omtatah Okoiti, MP)

2. NOTICE OF 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.

3. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 53(1)

- i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the mishandling, mismanagement and lack of proper coordination of the Kenya National Walking Race team at the World Athletics Race Walking Championship.

...../Appendix

- ii) Nominated Senator (Sen. Gloria Orwoba, MP) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations on the ongoing flood situation in Nairobi City County.
- iii) The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare concerning the status of the County Pension Fund for employees of the Kakamega County Government.
- iv) The Senator for Nyamira County (Sen. Okong’o Mogeni, SC, MP) to seek a Statement from the Standing Committee on Finance and Budget concerning the utilization of conditional grants for the Financial Year 2020/2021.

b) Pursuant to Standing Order 56(1) (b)

- i.) The Chairperson, Standing Committee on Roads, Transportation and Housing to make a Statement relating to the activities of the Committee for the period, January to March, 2024.
- ii.) The Chairperson, County Public Accounts Committee to make a Statement relating to the activities of the Committee for the period, January to March, 2024.
- iii.) The Chairperson, County Public Investments and Special Funds Committee to make a Statement relating to the activities of the Committee for the period, January to March, 2024.
- iv.) The Chairperson, Committee on Delegated Legislation to make a Statement relating to the activities of the Committee for the period, January to March, 2024.

NOTICE PAPER

Wednesday, May 01, 2024 – Public Holiday

Tentative Business for Thursday, May 02, 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 Thursday, May 02, 2024.

A. BILLS AT THE COMMITTEE OF THE WHOLE

- i) ***THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)
(The Senate Majority Leader)
- ii) **THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)
(Sen. Wakili Hillary Sigei, MP)
- iii) ***THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)
(The Senate Majority Leader)
- iv) ***THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)
(The Senate Majority Leader)
- v) *THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 25 OF 2023)
(Sen. Samson Cherarkey, MP)

B. 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)

MOTIONS

- i. DECLARATION OF CATTLE RUSTLING AND BANDITRY AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS
(Sen. William Cheptumo, MP)
- ii. REPORT OF THE 66TH COMMONWEALTH PARLIAMENTARY CONFERENCE HELD IN ACCRA, GHANA FROM 30TH SEPTEMBER – 6TH OCTOBER, 2023
(Sen. (Prof.) Margaret Kamar, MP)
- iii. 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)
- iv. 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)
- v. 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)
- vi. 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)
