



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, MAY 22, 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. ******THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**
(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 16th May, 2024)

(Division)

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

(Second Reading)

(Resumption of debate interrupted on Tuesday, 21st May, 2024)

10. **COMMITTEE OF THE WHOLE
***THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO.
70 OF 2023)**
(The Senate Majority Leader)

***(Resumption of debate interrupted on Wednesday, 15th May, 2024 –
Afternoon Sitting)***

(Division)

...../Bills

11. **COMMITTEE OF THE WHOLE**
***THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**
(Sen. Wakili Hillary Sigei, MP)

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

13. *****THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)**
(The Senate Majority Leader)

(Second Reading)

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

(Second Reading)

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

(Second Reading)

16. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)**
(Sen. Lenku Ole Kanar Seki, MP)

(Second Reading)

17. ****THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**
(The Chairperson, Standing Committee on Energy)

(Second Reading)

18. ***THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)**
(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

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

(Second Reading)

20. **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.

21. **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.

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 GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)**

(The Senate Majority Leader)

i) NOTICE is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage—

CLAUSE 5

THAT clause 5 of the Bill is amended by inserting the following new paragraphs immediately after paragraph (e)—

- (ea) develop and implement county legislation on betting and other forms of gambling;
- (eb) license prize competitions within a county;
- (ec) license amusement machines;
- (ed) issue trade permits for betting premises;
- (ee) license and issue pool table permits within the county;
- (ef) license and supervise county lotteries;
- (eg) issue trade permits for premises for totalisators;

CLAUSE 7

THAT clause 7 (1) of the Bill be amended by-

- (a) deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) three persons, not being public officers, appointed by the Cabinet Secretary, being persons with a background in finance, law, betting and lotteries or business management, provided that—
 - (i). one shall represent persons with disabilities;
 - (ii). one shall represent the youth; and
 - (iii). one shall represent faith based organisations;
- (b) deleting paragraph (e) and substituting therefor the following new paragraph—
 - (e) three persons nominated by the Council of Governors and appointed by the Cabinet Secretary; and
- (c) deleting paragraph (f)

CLAUSE 10

THAT clause 10 of the Bill be amended—

- (a) by deleting paragraph (c);
- (b) in paragraph (f) by inserting the words “in consultation with county governments” immediately after the word “maintain” and
- (c) in paragraph (g) by inserting the words “beneficial owners” immediately after the word “directors” .

CLAUSE 66

THAT clause 66 of the Bill be amended by deleting the words “shall ensure that its” appearing immediately after the word “Authority” and substituting therefor the words “and county governments shall ensure that their”.

CLAUSE 87

THAT clause 87 (2) of the Bill be amended in paragraph (e) by deleting the word “six” appearing immediately after the words “ radio between” and substituting therefor the word “five”.

CLAUSE 119

THAT clause 119 (2) be amended by deleting-

- (a) paragraph (d); and
- (b) paragraph (g).

CLAUSE 123

THAT clause 123 of the Bill be amended by renumbering the current provision as sub clause (1) and inserting therefor the following new sub clauses immediately after the new clause (1)—

Cap 269 (2) The Kenya Revenue Authority Act, is amended in Part II of the First Schedule, by deleting paragraph 7 and substituting therefor the following new paragraph—

7. The Gambling Control Act.

No. 20 of 2023 (3) The National Lottery Act, is amended by inserting the following new clause immediately after clause 52—

Regulations 53. (1) The Cabinet Secretary may in consultation with the Board, make regulations generally for the better carrying into effect of any provisions under this Act.

(2) Without prejudice to the foregoing, regulations made under this section may provide for—

- (a) the procedure to be followed by the Board in exercising any powers conferred upon it by this Act;
- (b) the conduct of a national lottery;
- (c) apportionment of the proceeds of the national lottery;
- (d) procedure for the sale of tickets, prizes of tickets and payment of prizes;
- (e) announcement and protection of winners of the national lottery;
- (f) the circumstances under which the national lottery may be advertised; and
- (g) the places where, circumstances or manner in which signs relating to a national lottery may be displayed.

NEW CLAUSE 117A

THAT the Bill be amended by inserting the following new clause immediately after clause 117—

Operating hours	117A. A licensed betting, gambling, lottery or gaming premise shall operate between ten o’ clock in the evening and five o’ clock in the morning.
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ii) NOTICE is given that the Senator for Nairobi City County (Sen. Edwin Sifuna, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage.

CLAUSE 69

THAT Bill be amended by deleting clause 69 and substituting therefor the following new clause—

Online gambling transaction.	69. An online gambling transaction shall commence when a player deposits money into his or her gaming account and shall conclude when a player withdraws money from his or her gaming account.
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iii) NOTICE is given that the Senator for Nandi County (Sen. Samson Cherarkey, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage –

CLAUSE 28

THAT clause 28 of the Bill be amended—

- (a) in subclause (2) by deleting paragraphs (o), (p) and (q); and

...../Notice of Amendments

(b) by deleting subclause (4).

CLAUSE 31

THAT clause 31 of the Bill be amended in subclause (3) by deleting the word “twelve” appearing immediately after the words “a period of” and substituting therefor the word “thirty six”.

CLAUSE 64

THAT clause 64 of the Bill be amended in subclause (5) by deleting the word “twenty shillings” appearing at the end of the subclause and substituting therefor the words “one shilling”.

CLAUSE 71

THAT clause 71 of the Bill be amended in subclause (3) by deleting the words “five million” appearing immediately after the words “not less than” and substituting therefor the words “fifty thousand”.

THIRD SCHEDULE

THAT the Third Schedule of the Bill be amended in—

- (a) paragraph (b) by deleting the amount “200, 000, 000” and substituting therefor the amount “20,000, 000”; and
- (b) paragraph (c) by deleting the amount “200, 000, 000” and substituting therefor the amount “20,000, 000”.

iv) NOTICE is given that the Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023) at the Committee Stage—

CLAUSE 10

THAT clause 10 of the Bill be amended by inserting the following new paragraph immediately after paragraph (n)—

(na) collaborate with the Kenya Revenue Authority, established under section 3 of the Kenya Revenue Authority Act, to establish a monitoring system for tax compliance under this Act.

CLAUSE 87

THAT clause 87 of the Bill be amended—

- (a) in subclause (2) by deleting paragraph (e); and

(b) by deleting subclause (4) and substituting therefor the following subclause—

(4) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

B. *THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)

(Sen. Wakili Hillary Sigei, MP)

NOTICE is given that, the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Tea Bill (Senate Bills No. 1 of 2023) at the Committee Stage—

CLAUSE 10

THAT clause 10 of the Bill be amended in paragraph (b) by deleting the words “in subsection (2) by deleting subsection (1)” appearing at the beginning of the paragraph and substituting therefor the words “by deleting subsection (2)”

CLAUSE 11

THAT clause 11 of the Bill be amended in the proposed new section 36A by inserting the words “an agent” immediately after the words “A licenced factory” in subclause (1).

CLAUSE 12

THAT Bill be amended by deleting clause 12 and substituting therefor the following new clause—

<p>12. Section 37 of the principal Act is amended—</p> <p>(a) in subsection (1) by deleting the word “Board” appearing immediately after the words “register with the” and substituting therefor the words “respective county government”; and</p> <p>(b) by deleting subsection(3) and substituting therefore the following new subsection-</p> <p style="padding-left: 40px;">(3) A county executive committee member responsible for matters relating to agriculture shall, in their respective county, prescribe in county legislation the procedure for registration of commercial green leaf transporters and the appeal process in case of denial of registration.</p>	<p>Amendment of Section 37 of Cap 343</p>
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CLAUSE 13

THAT clause 13 of the Bill be amended –

- (a) in paragraph (a) in the proposed new subclause (2) by deleting the words “three shillings, eighty-five cents” appearing immediately after the words “rate not exceeding” and substituting therefor the word “two shillings”
- (b) in paragraph (c) in the proposed new subsection (5) by deleting paragraph (d) and substituting therefor the following new paragraph–
 - (d) ten per centum shall be allocated on pro rata basis to tea growing counties to be utilized on infrastructure development.

CLAUSE 15

THAT clause 15 of the Bill be amended in paragraph (b) in the proposed new subsection (2) by deleting the word “immovable” appearing immediately after the word “All”

NEW CLAUSE 2A

THAT section 5 of the principal of the Act is amended in paragraph (e) by deleting the words “commercial green leaf transporters,” appearing immediately after the words “commercial tea nurseries”.

CLAUSE 2

THAT clause 2 of the Bill be amended –

- (a) in paragraph (b) by deleting the word “enterprise” appearing immediately after the words “Special Economic Zone” in the definition of the term “import”;
- (b) in paragraph (e) –
 - (i) in the definition of the term “direct sales” by inserting the words “or its agent” immediately after the words “between a factory”
 - (ii) in the definition of the term “tea factory limited company” by inserting the words “or medium scale tea growers” appearing immediately after the words “scale tea growers”.

C. *THE STATUTORY INSTRUMENTS (AMENDMENT) BILL**
(NATIONAL ASSEMBLY BILLS NO. 2 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 Statutory Instruments (Amendment) Bill (National Assembly Bills No. 2 of 2023) at the Committee Stage —

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the proposed new subsection (5) and substituting therefor the following new subsection —

(5) Where it comes to the attention of the Committee that a Cabinet Secretary responsible for a regulation making authority has failed to submit a statutory instrument in accordance with subsection (1), the Committee may, by a resolution, require the Cabinet Secretary to —

(a) publish a notice in the Gazette within seven days from the date of the

resolution, to the effect that the statutory instrument is a nullity; and

(b) submit the published notice to Parliament.

CLAUSE 3

THAT the Bill be amended by deleting clause 3.

CLAUSE 4

THAT the Bill be amended by deleting clause 4.

CLAUSE 5

THAT the Bill be amended by deleting clause 5 and substituting therefor the following new clause 5—

Amendm 7. The principal Act is amended by deleting ent of section 19 substituting therefor the following section new section 19—

19 of

Cap 2A.

Requirements
for publishing
an
annulment.

19. (1) Where Parliament has adopted a report or a resolution that a statutory instrument be annulled—

(a) the instrument shall stand annulled; and

(b) the Clerk of the relevant House shall publish the annulment in the Parliamentary website and shall convey the resolution of the House to the regulation making authority.

(2) Upon receipt of the communication from the Clerk in accordance with this section, the regulation making authority shall publish the annulment in the Gazette within fourteen days.

CLAUSE 6

THAT the Bill be amended by deleting clause 6.

CLAUSE 7

THAT the Bill be amended by deleting clause 7 and substituting therefor the following new clause—

Amendm ent of section 11 of Cap 2A. **7.** Section 24 of the principal Act is amended in subsection (5) by deleting the words “twenty thousand shillings” appearing immediately after the words “penalty not exceeding” and substituting therefor the words “one million shillings”.

APPENDIX**1. PAPERS**

- i.) The Second Report of the Procedure and Rules Committee (PRC) on the review of the Standing Orders of the Senate.

(The Vice-Chairperson, Procedure and Rules Committee)

- ii.) Report of the Standing Committee on Health concerning the inspection tour of County Referral Hospitals in Kisii, Nyamira and Bomet Counties.
- iii.) Report of the Standing Committee on Health concerning the inspection tour of County Referral Hospitals in Vihiga and Kisumu Counties.

(The Chairperson, Standing Committee on Health)

2. NOTICE OF MOTION - THE SECOND REPORT OF THE PROCEDURE AND RULES COMMITTEE (PRC) ON THE REVIEW OF THE STANDING ORDERS OF THE SENATE

(The Vice-Chairperson, Procedure and Rules Committee)

THAT, pursuant to Standing Orders 267, 268 and 270, the Senate approves the Second Report of the Procedure and Rules Committee on the review of the Standing Orders of the Senate, laid on the Table of the Senate, on Wednesday, 22nd May, 2024, and that pursuant to the provisions of Article 124 (1) of the Constitution and Standing Orders 270 and 272-

- (i) resolves to amend its Standing Orders as contained in Annex 1 of the Report; and
- (ii) orders that the amendments to the Standing Orders as contained in Annex 1 to the Report come into effect on the 25th June, 2024.

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

- i) The Senator for Kitui County (Sen. Enoch Wambua, MP) to make a Statement regarding the proposed construction of the High Grand Falls Dam in Kitui and Tharaka Nithi Counties.
- ii) The Senator for Laikipia County (Sen. John Kinyua, MP) to make a Statement concerning the use of the term of “corruption free zone” in Government.
- iii) Nominated Senator (Sen. Karen Nyamu, MP) to make a Statement regarding the state of roads in the country.

b) Pursuant to Standing Order 53(1)

- i) Nominated Senator (Sen. Betty Montet, MP) to seek a Statement from the Standing Committee on Education regarding the operations of the National Council for Nomadic Education in Kenya (NACONEK).
- ii) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the circumstances that led to the death of the late Master Stephen Mwangi, a student at Maji Mazuri Day School in Eldama Ravine, Baringo County following an altercation with the Kenya Forest Service (KFS) officers.
- iii) Nominated Senator (Sen. Shakila Abdalla, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding transportation challenges along the Lamu – Garsen road at Gamba in Tana River County.
- iv) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Education concerning alleged unfair labour practice by the Teachers Service Commission (TSC) in the employment of Junior Secondary Schools (JSS) teachers.
- v) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding collection targets by the Kenya Revenue Authority (KRA) for the financial year 2023/2024.
- vi) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of dam construction projects in the country.
- vii) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of public land belonging to the County Government of Bungoma.
- viii) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the death of Ms. Ruth Ayuma Inganga who was involved in a hit-and-run accident at Chabera Shopping Centre in Bungoma County.
- ix) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare concerning the state of the Jaramogi Odinga Grounds, Victoria Park and the establishment of other parks in Kisumu County.

- x) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Education regarding the state of Early Childhood Development Education (ECDE) in Kisumu County.

NOTICE PAPER

Tentative Business for Thursday, May 23, 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 23, 2024.

A. BILLS AT COMMITTEE OF THE WHOLE STAGE

- i) *THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)
(Sen. Mohamed Abass Sheikh, MP)
- ii) *THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)
(Sen. Kathuri Murungi, MP)
- iii) ***THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)
(Sen. Samson Cherarkey, MP – Co- Sponsor)
- iv) ***THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2024)
(The Senate Majority Leader)
- v) ***THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)
(The Senate Majority Leader)
- vi) ***THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)
(The Senate Majority Leader)

B. MOTIONS

- i) CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILL No. 9 OF 2022)
(The Senate Majority Leader)
- ii) ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA
(Sen. Johnes Mwaruma, MP)

...../Notice Paper

- iii) DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA
(Sen. Catherine Mumma, MP)

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