



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, MAY 29, 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 CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 17 OF 2024)**
(Sen. Crystal Asige, MP)
9. **MOTION – CONSIDERATION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 14 OF 2024).**
(The Co-Chairperson, Mediation Committee)
10. *****THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)**
(The Senate Majority Leader)

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No. 14 of 2024), laid on the table of the Senate on Wednesday, 29th May, 2024, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

(Second Reading)

(Resumption of debate interrupted on Tuesday, 28th May, 2024)

(Division)

...../Bills

11. **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)*
12. **COMMITTEE OF THE WHOLE**
***THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**
(Sen. Wakili Hillary Sigei, MP)
13. **COMMITTEE OF THE WHOLE**
***THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**
(Sen. Beatrice Ogolla, MP)
14. **COMMITTEE OF THE WHOLE**
*****THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)**
(The Senate Majority Leader)
15. ***THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)**
(Sen. Hamida Ali Kibwana, MP)
*(Second Reading)
(Resumption of debate interrupted on Tuesday, 28th May, 2024)*
16. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)**
(Sen. Johnes Mwaruma, MP)
(Second Reading)
17. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)**
(Sen. Lenku Ole Kanar Seki, MP)
(Second Reading)
18. ****THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**
(The Chairperson, Standing Committee on Energy)
(Second Reading)
19. ***THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)**
(Sen. Mariam Sheikh Omar, MP)
(Second Reading)

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

(Second Reading)

- 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.

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)

...../Notice of Amendments

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.

...../Notice of Amendments

(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.

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.

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 MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)

(Sen. Beatrice Ogolla, MP)

- i) NOTICE** is given that the Chairperson, Standing Committee on Health, intends to move the following amendments to the Maternal, Newborn and Child Health Bill (Senate Bills No. 17 of 2023), at the Committee Stage—

CLAUSE 6

THAT clause 6 of the Bill be amended in subclause (1) by deleting the word “agencies” appearing immediately after the words “to adoption services” in paragraph (e) and substituting therefor the words “that comply with Part XIV of the Children Act”.

CLAUSE 7

THAT 7 of the Bill be amended in subclause (2) by—

- a) deleting the words “licensed agencies if indicated” appearing immediately after the words “adoption services at” in paragraph (d) and substituting therefor the words “an adoption society registered under section 208 of the Children Act”; and
- b) inserting the following new paragraph immediately after paragraph (f)—
 - (fa) mental health care services from prenatal to twelve months after birth.

CLAUSE 8

THAT clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(2A) Where the child under subsection (1) is an intersex child, the health care provider shall provide the appropriate specialised medical treatment and care to that child.

...../Notice of Amendments

CLAUSE 14

THAT clause 14 of the Bill be amended by inserting the words “and traditional” immediately after the words “programmes for skilled” appearing in paragraph (h).

CLAUSE 15

THAT clause 15 of the Bill be amended—

- a) deleting the words “who serve pregnant women” appearing immediately after the words “health care providers” in paragraph (a); and
- b) by deleting the word “workers” appearing immediately after the words “community health” in paragraph (c) and substituting therefor the word “promoters”.

CLAUSE 17

THAT clause 17 of the Bill be amended in subclause (3) by inserting the words “and published in an accessible format” immediately after the words “easily accessible” appearing in paragraph (a).

CLAUSE 2

THAT clause 2 of the Bill be amended—

- a) in the definition of the term “maternal” by deleting the words “morbidity” means illness” appearing immediately after the words “days after childbirth”;
- b) by deleting the definition of the term “unborn child”;
- and
- c) by inserting the following new definitions in the proper alphabetical sequence—

“community health promoter” has the meaning assigned to it under section 2 of the Primary Health Care Act; and

“intersex child” means a child with a congenital condition in which the biological sex characteristics cannot be exclusively categorised in the common binary of female or male due to inherent and mixed anatomical patterns, which could be apparent prior to, at birth, or in childhood.

- ii) **NOTICE** is given that (Sen. Hamida Kibwana, MP) intends to move the following amendments to the Maternal, Newborn and Child Health Bill, 2023, Senate Bills No. 17 of 2023, at the Committee Stage—

CLAUSE 8

THAT clause 8 of the Bill be amended by—

- (a) inserting the following new subclause immediately after subclause (2)—
 - (2A) Where the child under subsection (1) has special needs, the health care provider shall ensure that the child receives—
 - (a) health care services, as may be prescribed, that are responsive to the needs of a child with the relevant special needs; and
 - (b) respectful and dignified care.
- (b) deleting subclause (4) and substituting therefor the following new subclause—
 - (4) The Cabinet Secretary shall—
 - (a) prescribe standards for the delivery of the neonatal and child care services to the various categories of children up to the age of twelve years; and
 - (b) prescribe guidelines and standards for the provision of the highest available standards of health services that are responsive to the needs of children with special needs.
- (c) inserting the following new subclause immediately after subclause (5)—
 - (6) For purposes of this Act, a child with special needs includes a child with disability, a child with mental illness and a child in a marginalized area.

CLAUSE 11

THAT clause 11 of the Bill be amended in the introductory clause by inserting the words “physical and mental” immediately after the words “maternal, neonatal and”.

CLAUSE 12

THAT clause 12 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (d)—

(da) ensure that all national referral health facilities that offer maternal healthcare designate resources within the respective facility for provision of physical and mental healthcare to women who have lost children through stillbirth or during delivery;

(db) facilitate the provision of mental healthcare to maternal women in national referral health facilities.

CLAUSE 14

THAT clause 14 of the Bill be amended by—

(a) inserting the following new paragraph immediately after paragraph (h)—

(ha) put in place measures to facilitate training of health care providers in the provision of physical and mental health care services;

(b) inserting the following new paragraph immediately after paragraph (i)—

(ia) ensure that all county health facilities that offer maternal healthcare designate resources within the respective facilities for the provision of physical and mental healthcare to women who have lost children through stillbirth or during delivery;

(ib) put in place measure to facilitate the provision of mental healthcare to maternal women in county health facilities;

(c) inserting the words “in the provision physical and mental health care services” immediately after the words “in the county” appearing in paragraph (m);

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definitions in the proper alphabetical sequence—

“community health promoter” has the meaning assigned to it under section 2 of the Primary Health Care Act.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 25—

Amendme **26.** Section 226 of the Penal Code is amended
nt to renumbering the existing provision as subsection (1)
section inserting the following new subsection after
226 of renumbered subsection (1)—
Cap. 63.

(2) Subsection (1) shall not apply to a woman
undergoing postpartum care under the Mater
Newborn and Child Health Act.

D. *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—

...../Notice of Amendments

(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) Report of the Auditor General on the Financial Statements of the Municipality of Kimilili – County Government of Bungoma for the year ended 30th June, 2023.
- ii) Report of the Auditor General on the Financial Statements of Kyeni Water and Sewerage Company Limited for the year ended 30th June, 2023.
- iii) Report of the Auditor General on the Financial Statements of Nyeri Water and Sanitation Company Limited for the year ended 30th June, 2023.
- iv) Report of the Auditor General on the Financial Statements of Tavevo Water and Sewerage Company Limited for the year ended 30th June, 2023.
- v) Report of the Auditor General on the Financial Statements of Kisumu Water and Sanitation Company Limited for the year ended 30th June, 2023.

(The Senate Majority Leader)

- vi) Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021(Volume VI) of the following Water Service Providers; Busia Water and Sewerage Services Company Limited, Iten- Tambach Water and Sewerage Company Limited, Kirinyaga Water and Sanitation Company Limited, Malindi Water and Sewerage Company Limited, Mandera Water and Sewerage Company Limited, Migori Water and Sanitation Company Limited, Mombasa Water and Sanitation Company Limited, Nanyuki Water and Sanitation Company Limited and Nithi Water and Sanitation Company Limited.

(The Chairperson, Committee on County Public Investments and Special Funds)

- vii) Report of the Standing Committee on Trade, Industrialization and Tourism on its consideration of the proposed amendments by the National Assembly, to the County Licensing (Uniform Procedures) Bill (Senate Bills No. 9 of 2022).

(The Chairperson, Standing Committee on Trade, Industrialization and Tourism)

...../Appendix

- viii) Report of the Standing Committee on Finance and Budget on its consideration of the County Public Finance Laws (Amendment) Bill (National Assembly Bills No. 39 of 2023).

(The Chairperson, Standing Committee on Finance and Budget)

2. NOTICES OF MOTION

- i) **REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER SERVICE COMPANIES FOR THE FINANCIAL YEARS 2018/2019, 2019/2020 AND 2020/2021**

(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 Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021 (Volume VI), for the following Water Service Companies;

- i) Busia Water and Sewerage Services Company Limited;
- ii) Iten- Tambach Water and Sewerage Company Limited;
- iii) Kirinyaga Water and Sanitation Company Limited;
- iv) Malindi Water and Sewerage Company Limited;
- v) Mandera Water and Sewerage Company Limited;
- vi) Migori Water and Sanitation Company Limited;
- vii) Mombasa Water and Sanitation Company Limited;
- viii) Nanyuki Water and Sanitation Company Limited; and
- ix) Nithi Water and Sanitation Company Limited.

- ii) **ADDRESSING THE CHALLENGE OF POWER PURCHASE AGREEMENT RENEWALS AND ELECTRICITY SUPPLY IN KENYA**

(Sen. Wahome Wamatinga, MP)

THAT, AWARE THAT on 29th March 2021, a presidential taskforce was formed to review power purchase agreements between the Government and Independent Power Producers, during which a moratorium was imposed on Kenya Power and Lighting Company (KPLC), preventing KPLC from signing new agreements or renewing existing ones with Independent Power Producers, which moratorium was lifted by the Cabinet in March 2023;

FURTHER AWARE THAT the National Assembly, vide a Motion adopted on 19th April, 2023 placed a moratorium, restricting KPLC from signing and renewing power purchase agreements (PPAs) with Independent Power Producers (IPPs) pending a report of inquiry by the Departmental Committee on Energy and the consequent House resolution on the report;

...../Appendix

CONCERNED THAT Kenya imports 17% of its electricity from neighboring countries and faces a challenge as the growing demand for electricity is conflicted with the lengthy process of developing power plants, which usually takes 6-10 years from conception to generation, leading to electricity shortage and load shedding which impedes economic growth;

COGNIZANT of the Senate resolution of 28th February, 2024 on a Motion by the Standing Committee on Energy on inquiry into the high cost of electricity in the country calling upon the Ministry of Energy to, among others, create a one stop IPP office that comprises all the stakeholders required for approval of power plants and that the Ministry, through KPLC and Independent Power Producers renegotiate the current power purchase agreements within 12 months of adoption of the report;

NOW THEREFORE notwithstanding the resolution of the National Assembly that imposed a moratorium on Kenya Power whose timeline has lapsed, the Senate, in order to cushion Kenyans from the high cost of electricity, resolves:

- i. that the Ministry of Energy and Petroleum and Kenya Power and Lighting Company be allowed to enter into new power purchase agreements or renew existing power purchase agreements with Independent Power Producers; and
- ii. that the Energy and Petroleum Regulatory Authority (EPRA) fast tracks the acquisition of necessary licenses required by Independent Power Producers with valid power purchase agreements for setting up power plants.

3. QUESTIONS AND STATEMENTS

Requests for Statement pursuant to Standing Order 53(1)

- i) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the ongoing evictions and demolitions in Mathare and Mukuru kwa Reuben areas of Nairobi City County.
- ii) The Senator for Machakos County (Sen. Agnes Muthama Kavindu, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources concerning irregular payment of land rates to Nairobi land registry for parcels of land situated in Machakos County.
- iii) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding alleged delay in payment of salaries to employees and interns by the County Government of Marsabit.

...../Appendix

- iv) The Senator for Elgeyo Marakwet County (Sen. William Kisang, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the shortage of wheat seeds in the country.
- v) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the crop insurance scheme offered by the County Government of Bungoma to farmers in the County for the financial years 2022/2023 and 2023/2024.
- vi) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a Statement from the Standing Committee on Health regarding the procurement of medical insurance for employees of the County Government of Bungoma for the financial years 2022/2023 and 2023/2024.
- vii) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding alleged unfairness in the recruitment and payment of casual workers by the County Government of Bungoma.

NOTICE PAPER

Tentative Business for Thursday, May 30, 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 30, 2024.

A. BILLS AT THE SECOND READING STAGE

- i) *THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 52 OF 2023)
(Sen. Raphael Chimera, MP)
- ii) *THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)
(Sen. Mohamed Abass Sheikh, MP)
- iii) *THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)
(Sen. Kathuri Murungi, MP)
- 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)
- v) ADJOURNMENT OF THE SENATE
(The Senate Majority Leader)
