



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, OCTOBER 09, 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 (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. ******THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 26 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)

(Second Reading)

*(Resumption of debate interrupted on Tuesday, 8th October, 2024)
(Division)*

9. **COMMITTEE OF THE WHOLE**
******THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**
(The Senate Majority Leader)
10. **COMMITTEE OF THE WHOLE**
*****THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)**
(The Senate Majority Leader)
11. **COMMITTEE OF THE WHOLE**
*****THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**
(Sen. Samson Cherarkey, MP – Co- Sponsor)

...../Bills

12. **COMMITTEE OF THE WHOLE**
***THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)**
(Sen. Hamida Ali Kibwana, MP)
13. **COMMITTEE OF THE WHOLE**
***THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)**
(Sen. Mohamed Abass Sheikh, MP)
14. **COMMITTEE OF THE WHOLE**
*****THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)**
(The Senate Majority Leader)
15. **COMMITTEE OF THE WHOLE**
***THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)**
(Sen. (Dr.) Boni Khalwale, MP)
16. ******THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 28 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)

(*Second Reading*)
17. ****** THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 29 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)

(*Second Reading*)
18. ***THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)**
(Sen. Kathuri Murungi, MP)

(*Second Reading*)
19. *** THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2024)**
(Sen. Crystal Asige, MP)

(*Second Reading*)
20. ***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 3 OF 2024)**
(Sen. Ledama Olekina, MP and Sen. William Kisang, MP)

(*Second Reading*)

21. ***THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2024)**
(Sen. Esther Okenyuri, MP)
(Second Reading)
22. ***THE COUNTY STATISTICS BILL (SENATE BILLS NO. 5 OF 2024)**
(Sen. Ali Ibrahim Roba, MP)
(Second Reading)
23. *** THE PROVISION OF SANITARY TOWELS BILL (SENATE BILLS NO. 7 OF 2024)**
(Sen. Gloria Orwoba, MP)
(Second Reading)
24. *****THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)**
(The Senate Majority Leader)
(Second Reading)
25. ******THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)**
(The Senate Majority Leader)
(Second Reading)
26. ***THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 17 OF 2024)**
(Sen. Crystal Asige, MP)
(Second Reading)
27. **MOTION - REPORT OF THE STANDING COMMITTEE ON ENERGY ON ITS INQUIRY INTO THE LIQUEFIED PETROLEUM GAS (LPG) EXPLOSION IN MRADI AREA, EMBAKASI, NAIROBI CITY COUNTY**
(The Chairperson, Standing Committee on Energy)

THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday, 8th August, 2024.

28. **MOTION - REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON AN INQUIRY INTO THE WELFARE OF WORKERS IN EXPORT PROCESSING ZONES (EPZS) IN MOMBASA AND KILIFI COUNTIES.**
(The Chairperson, Standing Committee of Labour and Social Welfare)

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on an inquiry into the plight of workers in the

Export Processing Zones (EPZs) in Mombasa and Kilifi Counties, laid on the Table of the Senate on Tuesday, 1st October, 2024.

29. **MOTION - REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO PERSONAL SECURITY CONCERNS RAISED BY HON. PHILOMENA KAPKORY, DEPUTY GOVERNOR, TRANS NZOIA COUNTY**
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the allegations on personal security concerns raised by Hon. Philomena Kapkory, Deputy Governor, Trans Nzoia County laid on the Table of the Senate on Tuesday, 1st October, 2024.

30. **MOTION - REPORTS OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO THE STATE OF MARKETS IN VIHIGA AND BUNGOMA COUNTIES ARISING FROM STATEMENTS SOUGHT BY SEN. GODFREY OSOTSI, MP AND SEN. DAVID WAKOLI, MP**
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts Reports of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of markets in Vihiga and Bungoma counties arising from statements sought by Sen. Godfrey Osotsi, MP, and Sen. David Wafula Wakoli, MP laid on the Table of the Senate on Tuesday, 1st October, 2024.

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

AWARE THAT the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination;

FURTHER AWARE THAT Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects;

CONCERNED THAT inadequate attention to social risks in the planning and implementation of development projects at both national and county levels makes them unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks;

...../**Motion**

NOW, THEREFORE, the Senate resolves that:

1. The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and
2. The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

32. **MOTION - CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE ACCESS TO EDUCATION IN KENYA**

(Sen. Karungo Thangwa, MP)

THAT AWARE THAT, Pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NCDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, schools fees remain unaffordable for many parents and the allocation of bursaries has been plagued by nepotism, favoritism, and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT public learning institutions are primarily funded by the Government through the Ministry of Education, and in the financial year 2024/25, approximately Kshs. 656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student and that the lack of transparency in the disbursement of bursaries from various agencies makes it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

...../Motion

NOW THEREFORE, the Senate urges the Ministry of Education, to:

- 1) audit the funds allocated to bursaries by both the National Government and county governments;
- 2) consolidate the funds distributed by various government entities and agencies, with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education; and
- 3) calculate the cost of education per learner and make this information public for primary, secondary, and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

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**

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

NOTICE OF AMENDMENTS

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

NOTICE is given that the Chairperson, Standing Committee on Land, Environment and Natural Resources, intends to move the following amendments to the Meteorology Bill, 2023 (Senate Bills No. 45 of 2023), at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended by numbering the introductory paragraph as sub clause (1) and inserting the following new subclause immediately after the proposed subclause (1):

- (2) For purposes of this section—
 - “commercial purposes” means the use of meteorological information acquired from the Authority for the purpose of generating income;

CLAUSE 7

THAT clause 7 of the Bill be amended in subclause (2) by deleting paragraph (j) and substituting therefor the following new paragraph —

- (j) set standards, develop curricula, provide training in meteorology, operational hydrology and related sciences, examine and award diploma and certification in line with the World Meteorological Organization and other standards.

CLAUSE 36

THAT clause 36 of the Bill be amended in subclause (1) by deleting the words “any person” appearing immediately after the words “designate and appoint” and substituting therefor the words “an employee of the authority”.

CLAUSE 37

THAT clause 37 of the Bill be amended by deleting—

- (a) subclause (1) and substituting therefor the following new subclause —
 - (1) The Authority shall retain the intellectual property rights on any meteorology data and advisory services, computer programs, inventions, discoveries and improvements generated by the Authority.

(b) subclause (2) and substituting therefor the following new subclause —

(2) A person who obtains any meteorological data, information and other meteorological services from the Authority as a private good shall not, without the consent of the Authority, provide the same to a third party or cause it to be distributed.

CLAUSE 40

THAT clause 40 of the Bill be amended in subclause (2) by deleting paragraph (g).

SECOND SCHEDULE

THAT the Second Schedule of the Bill be amended by inserting the following new paragraph immediately after paragraph (5)—

(5A) The provision of meteorological services and information to the general public upon request.

NEW CLAUSES

That the Bill be amended by inserting the following new clauses immediately after clause 8—

Regulatory powers of Authority. **8A.** (1) The Authority shall regulate meteorological services in Kenya.
 (2) Without prejudice to the generality of subsection (1) the Authority shall—
 (a) ensure compliance with—
 (i) international standards and practices in meteorological services; and
 (ii) standards in installation and maintenance of meteorological instruments;
 (b) approve and register meteorological stations; and
 (c) monitor and supervise functions of meteorological operators.

Permit. **8B.** Any person who intends to undertake meteorological observations, weather forecasting activities or weather modification activities shall apply to the Authority for a permit as provided in the Regulations.

...../Notice of Amendments

Prohibition of meteorological activities.

8C. (1) No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority.

(2) A person who engages in any meteorological observations, weather forecasting activities or weather modification activities without a permit commits an offence and shall be liable upon conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or both such fine and imprisonment.

B. *THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL**
(NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)

(The Senate Majority Leader)

NOTICE is hereby given that the Chairperson, Standing Committee on Roads, Housing and Transportation, intends to move the following amendment to the National Construction Authority (Amendment) Bill (National Assembly Bills No. 59 of 2022) at the Committee Stage –

NEW CLAUSE 1A

Amendment
of section 2
of Cap. 18.

THAT the National Construction Authority Act be amended in Section 2 by inserting the following new definition immediately after the definition “Registrar” –
“start up” means an entity seeking to be registered under section 17 in the category NCA 6, NCA 7 or NCA 8;

C. ***THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)
(Sen. Samson Cherarkey, MP – Co- Sponsor)

NOTICE is given that the Chairperson, Standing Committee on Health, intends to move the following amendment to the Cancer Prevention and Control (Amendment) (No. 2) Bill (National Assembly Bills No. 45 of 2022), at the Committee Stage—

CLAUSE 2

THAT clause 2 of the Bill be amended in the proposed new definition of the word “e-health” by inserting the words “including telemedicine” immediately after the words “and information technology”.

D. *THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)

(Sen. Hamida Ali Kibwana, MP)

NOTICE is given that the Chairperson, Standing Committee on Finance and Budget, intends to move the following amendments to the Public Finance Management (Amendment) Bill (Senate Bills No. 40 of 2023), at the Committee Stage-

CLAUSE 2

THAT the Bill be amended by deleting clause 2 and substituting therefore the following new clause-

Insertion of new sections in Cap. 412A

2. The principal Act is amended by inserting the following new sections immediately after section 160 —

Establish a Revenue Collection System Committee which shall consist of-

160A. (1) There is established a Revenue Collection System Committee which shall consist of-

- e. (a) the Cabinet Secretary or a person designated in writing;
- (b) the Principal Secretary for matters related to Devolution;
- (c) the Controller of Budget or a person designated in writing;
- (d) the Commissioner General of the Kenya Revenue Authority or a person designated in writing; and
- (e) two persons nominated by the Council of Governors.

(2) The Committee shall, within nine months of the coming into force of this Act, design, develop and coordinate integrated county revenue system which shall—

- (a) be transparent, efficient, effective and verifiable;
- (b) ensure data accuracy and protection;

...../Notice of Amendments

(c) respect and promote the distinctiveness of the national and county governments;

(d) be adequately secure to prevent any fraud, losses or leakages; and

(e) provide for separate accounting and reporting

(3) Within three months of the development of the system under subsection (3), each county government shall adopt and implement the integrated county revenue management system

Reports.

160B. (1) A county treasury shall prepare and submit a quarterly report on the status of the adoption and implementation of the integrated county revenue management system.

(2)A report under subsection (1) shall be submitted to the respective county assembly, the Senate and the Controller of Budget.

CLAUSE 3

THAT clause 3 of the Bill be amended in the proposed new section 191F (1) by inserting the words “in consultation with the respective county executive committee member” immediately after the words “Cabinet Secretary shall”.

E. *THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL
(SENATE BILLS NO. 55 OF 2023)

(Sen. Mohamed Abass Sheikh, MP)
(The Senate Majority Leader)

NOTICE is given that the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, intends to move the following amendments to the Fire and Rescue Services Professionals Bill 2023 (Senate Bills No. 55 of 2023) at the Committee Stage--

CLAUSE 3

THAT the Bill be amended by deleting clause 3 and substituting therefor the following new clause –

Objects of 3. The objects of this Act are to –
the Act

- (a) provide a framework for standards for professional practice and their enforcement;
- (b) facilitate the delivery of quality fire and rescue professional services;
- (c) promote the delivery of quality professional training and education for fire and rescue service professionals;
- (d) protect the public from unethical professional practice in fire and rescue services; and
- (e) promote realization of the right to the highest attainable standard of health for every person in relation to prevention, response and mitigation of unintentional injuries resulting from fire, accidents, emergencies, disasters and calamities.

CLAUSE 4

THAT the Bill be amended in clause 4 -

- (a) by deleting the heading to Part II and substituting therefor the following new heading—

PART II – ADMINISTRATION

...../Notice of Amendments

(b) in subclause (1) by inserting the word “professionals” immediately after the words “and rescue services”.

CLAUSE 5

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

Composition of **5.** (1) The Board shall comprise of -
the Board

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry responsible for matters relating to fire and rescue services or their representative appointed in writing by the Principal Secretary;
- (c) the Principal Secretary in the Ministry responsible for finance or their representative appointed in writing by the Principal Secretary;
- (d) the Principal Secretary in the Ministry responsible for technical and vocational education and training or their representative appointed in writing by the Principal Secretary;
- (e) three persons nominated by the Council of County Governors;
- (f) two persons nominated by the association representing the largest number of professional firefighters in Kenya, one of whom shall be a representative of volunteer firefighters in Kenya;
- (g) one person nominated by the umbrella body of emergency responders in Kenya;
- (h) one person representing private sector organizations in Kenya; and

(i) the registrar who shall be an ex-officio member and who shall have no vote.

(2) The persons nominated under subsection (1) (e), (f), (g) and (h) above shall be appointed by the Cabinet Secretary by notice in the *Gazette*.

CLAUSE 6

THAT the Bill be amended in clause 6 by deleting the words “and it may establish branches in other counties” appearing immediately after the words “be in Nairobi”.

CLAUSE 7

THAT the Bill be amended in clause 7 by –

(a) renumbering the existing introductory phrase as sub-clause (1); and

(a) insering the following new sub cause (2) immediately after paragraph (n) –

(2) collaborate with each county government in the performance of its functions.

CLAUSE 14

THAT clause 14 of the Bill be amended by deleting subclause (4) and substituting therefor the following subclause –

(4) A person shall not be appointed as a Registrar unless such person –

(a) is registered as a fire and rescue services professional under this Act;

(b) is in good professional standing;

(c) has at least a degree from a university recognized in Kenya in fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, law, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other relevant qualification;

- (d) has at least ten years’ experience in the field of fire and rescue;
- (e) has at least five years’ experience in leadership in the public or private sector;
- (f) has knowledge and experience in policy formulation;
- (g) meets the requirements of Chapter Six of the Constitution

CLAUSE 16

THAT clause 16 of the Bill be amended in subclause (1) by deleting the words “carrying on” appearing immediately after the words “the course of” and substituting thereof with words “carrying out”.

CLAUSE 17

THAT the Bill be amended by deleting clause 17 and substituting therefor the following new clause –

Registration of
Fire and
Rescue
Services
Professionals

17. (1) A person shall not practice as a fire and rescue service professional, manage a fire and rescue services consulting firm or provide fire and rescue consultancy and advisory services unless they are registered in accordance with this Act.

(2) In this section, practice as a fire and rescue service professional includes –

- (a) providing fire and rescue professional services such as fire prevention, operating fire equipment for purposes of extinguishing fire where such a process requires a rescue professional, fire investigation, fire risk assessment, audit and inspection or rescue operation;
- (b) carrying out or holding oneself as a fire and rescue service professional; or
- (c) certifying or authorizing any process where a fire and rescue service professional is required under any law or administrative procedure to certify or authorize.

CLAUSE 18

THAT clause 18 of the Bill be amended by deleting paragraph (b) and replacing it with the following -

(b) has undertaken and received practical and experiential learning in fire and rescue service practice for a period of at least one year in a recognized institution.

CLAUSE 20

THAT the Bill be amended in clause 22 by inserting the following new proviso immediately after sub-clause (7) —

Provided that any person or entity that intends to carry on the business of a fire and rescue service consulting firm or fire brigade firm shall apply for and obtain a trade licence from the respective County Government.

CLAUSE 36

THAT clause 36 of the Bill be amended in subclause (2) by deleting paragraph (f) and substituting therefor the following new paragraph—

(f) the training of fire and rescue services professionals.

CLAUSE 37

THAT the Bill be amended by deleting Clause 37 and substituting therefor the following new clause—

Transitional provision.

37. (1) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and does not hold the prescribed academic qualifications for registration under this Act shall, within one year of the commencement of the Act, comply with the requirements of this Act.

(2) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and holds the required academic qualifications under this Act shall apply for registration by the Board within one year of coming into force of this Act.

CLAUSE 2

THAT the Bill be amended in clause 2 by -

- (a) deleting the definition of “fire and rescue services consulting firm” and substituting therefor the following new definition –

“fire and rescue services consulting firm” means a private organization or company registered by the Board and licensed by the County Governments to engage in the business of provision of consultancy and advisory services pertaining to fire and rescue services

- (b) deleting the definition of the word “fire brigade”

- (c) deleting the definition of the words “fire and rescue services professional” and substituting therefor the following new definition –

fire and rescue service professional” means a person registered under section 17.

- (d) Inserting a new definition of the word “private fire brigade firm”

“private fire brigade firm” means a private organization or company registered by the Board and licensed by a County Government to put out fires and rescue people from fires.

LONG TITLE

THAT the Bill be amended by deleting the long title and substituting therefor the following new title –

AN ACT of Parliament to provide for the promotion, development and regulation of the fire and rescue service profession, to provide for the establishment of institutional and regulatory framework for representation, participation, training and regulation of fire and rescue service professional practice, and for connected purposes.

F. *THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL**
(NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)

(The Senate Majority Leader)

NOTICE is given that the Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Houses of Parliament (Bicameral Relations) Bill 2023 (National Assembly Bills No. 44 of 2023) at the Committee Stage —

CLAUSE 3

THAT the Bill be amended by deleting clause 3 and substituting therefor with the following new clause –

- Object of the Act **3.** The object of this Act is to provide –
- (a) a framework for determining the nature of a Bill; and
 - (b) for the procedure for determining whether a Bill concerns counties.

CLAUSE 4

THAT the Bill be amended –

- (a) by deleting the heading to Part II appearing immediately before clause 4; and
- (b) by deleting clause 4.

CLAUSE 5

THAT the Bill be amended by deleting clause 5.

CLAUSE 6

THAT the Bill be amended –

- (a) by deleting the words “of a question” appearing immediately after the words “joint resolution” in the heading to Part III; and
- (b) by deleting clause 6 and substituting therefor the following new clauses –

Procedure
upon
publication.

...../Notice of Amendments

6. (1) Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall, pursuant to Article 110(3) of the Constitution, invite the Speaker of the other House to jointly resolve the question on whether the Bill is —

(a) a Bill concerning counties; and

(b) a special or an ordinary Bill.

(2) The Speaker to whom the request is sent under subsection (1) shall respond to the request within a period of seven days from the date of receipt of the request.

(3) Where the Speakers fail to agree on the nature of a Bill, each Speaker shall, within seven days from the date of receipt of the response under subsection (2), appoint three members from amongst members of the respective House to constitute an advisory team to assist the Speakers resolve the question under subsection (1).

(4) The advisory team shall, within fourteen days from the date of the first sitting, prepare and submit its advisory on the question under subsection (1) to the Speakers.

(5) The Speakers shall, within seven days from the date of receipt of the advisory under subsection (4), resolve the question under subsection (1).

(6) Where the Speakers, having taken into account the advisory of the advisory team, fail to agree on the question under subsection (1), the Bill shall not be introduced in either House of Parliament.

Determinati
on of the
nature of a
Bill.

6A. (1) The Speakers shall, in making a determination under section 6(1) and (2), take into account the criteria set out under sections 7 and 7A.

...../Notice of Amendments

(2) The advisory team shall, in assisting the Speakers under section 6(4), take into account the criteria set out under sections 7 and 7A.

CLAUSE 7

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

Criteria for a Bill concerning county government

7. (1) A Bill is a Bill containing provisions affecting the functions of a county government under Article 110(1)(a) of the Constitution if the Bill –

- (a) directly or indirectly affects the operations of the county governments;
- (b) will have a direct or indirect impact on the functions of county governments under Part 2 of the Fourth Schedule to the Constitution;
- (c) would have an impact on the exercise by any person upon whom a function or power is conferred under the Bill on any institution or office of the county government, the finances of the county government or the property held by or vested in the county government;
- (d) contains provisions which the county governments are required to implement or are binding on county governments;
- (e) confers a function or power on a person that would affect the exercise of the functions and the powers of the county governments under the Fourth Schedule to the Constitution;
- (f) seeks to transfer a function or power between the National Government and the county governments under Article 187 of the Constitution;

...../Notice of Amendments

- (g) that affects the ability of the Senate to carry out its functions under Article 96 of the Constitution; or
- (h) provides for any other matter that would directly or indirectly affect the functions and powers of the county governments.

(2) A Bill is a Bill affecting the finances of a county government under Article 110(1)(c) of the Constitution if –

- (a) the Bill provides for –
 - (i) the equitable sharing of revenue under Article 202(1) of the Constitution;
 - (ii) the additional allocation of funds from the National Government’s share of revenue to county governments under Article 202(2) of the Constitution;
 - (iii) the additional allocation of funds to county governments under Article 190(1) of the Constitution including proceeds of loans and grants from development partners;
 - (iv) a matter relating to the appropriation and administration of the Equalisation Fund under Article 204 of the Constitution;
 - (v) the sharing of revenue or any financial matter concerning county governments as contemplated in Article 205(1) of the Constitution;
 - (vi) the transfer of equitable share to the county governments pursuant to Article 219 of the Constitution;

- (vii) the withdrawal of money from the Consolidated Fund under Article 206 of the Constitution that affects the finances of county governments;
- (viii) the withdrawal of money from a County Revenue Fund;
- (ix) the establishment of public funds by counties and the management of those funds;
- (x) the establishment of a fund by Parliament for the benefit of a county government or a county government entity;
- (xi) advances from the Contingencies Fund under Article 208 of the Constitution that affect the finances of county governments;
- (xii) the imposition of a tax, duty or charge under Article 209(3)(c) of the Constitution;
- (xiii) borrowing by the National Government under Article 211 of the Constitution;
- (xiv) public debt under Article 214 of the Constitution that is to be charged on a public fund established for the benefit of county governments;
- (xv) borrowing by counties including the terms and conditions under which the National Government may guarantee a loan under Article 212(a) of the Constitution;

...../Notice of Amendments

- (xvi) any matter concerning the Commission on Revenue Allocation under Articles 215 and 216 of the Constitution;
- (xvii) the form, content and timing of budgets for National and county governments prepared pursuant to Article 220 of the Constitution;
- (xviii) estimates for expenditure from the Equalisation Fund prepared pursuant to Article 221(2)(a);
- (xix) an appropriation under Article 223(4) of the Constitution that affects the finances of a county government;
- (xx) the form and procedure for processing county budgets and appropriation Bills prepared pursuant to Article 224 of the Constitution;
- (xxi) financial control measures and mechanisms under Article 225 of the Constitution;
- (xxii) the keeping of financial records and auditing of accounts of county governments and the designation of accounting officers in the county governments under to Article 226 of the Constitution;
- (xxiii) the procurement of public goods and services under Article 227 of the Constitution;

(xxiv) the powers and functions of the Salaries and Remuneration Commission to set, review and advise on the remuneration and benefits of public officers in the county governments under Article 230(4) of the Constitution; or

(xxv) any other matter referred to in Chapter Twelve of the Constitution affecting the finances of county governments; or

(b) the Bill is –

(i) the annual Division of Revenue Bill under Article 218(1)(a) of the Constitution;

(ii) the annual County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or

(iii) the annual County Governments Additional Allocations Bill under Article 202(2) of the Constitution.

Criteria for determining a special or ordinary Bill.

7A. A Bill is a special Bill if the Bill –

(a) relates to, affects or concerns the election of members of a county assembly or a county executive including-

(i) the continuous registration of citizens as voters under Articles 82(1)(c) and 88(4)(a) of the Constitution;

(ii) the review of the names and boundaries of the constituencies and wards by the Independent Electoral and Boundaries Commission under Articles 82(1)(a) and 89 of the Constitution;

...../Notice of Amendments

- (iii) the monitoring of compliance with the legislation required by Article 82(1)(b) relating to nomination of candidates by parties under Article 88(4)(k) of the Constitution;
- (iv) the conduct of elections and referenda and the regulation and efficient supervision of elections and referenda, including the nomination of candidates for elections under 82(1)(d) of the Constitution;
- (v) the registration as voters of citizens residing outside Kenya under Article 82(1)(e) of the Constitution;
- (vi) the establishment of mechanisms for electoral disputes under Article 87(1) of the Constitution;
- (vii) the functions of the Independent Electoral and Boundaries Commission under Article 88 of the Constitution directly or indirectly affecting the election of members of a county assembly;
- (viii) the conduct and supervision of elections for the members of county assemblies under 177(1)(b) and (c) of the Constitution conducted by the Independent Electoral and Boundaries Commission under Article 90(2) of the Constitution;
- (ix) the allocation of airtime to political parties under Article 92(a) of the Constitution;
- (x) the regulation of freedom to broadcast for fair election campaigning under Article 92(b) of the Constitution;

...../Notice of Amendments

- (xi) the regulation of political parties under Article 92(c) of the Constitution;
- (xii) the roles and functions of political parties under Article 92(d) of the Constitution;
- (xiii) the registration and supervision of political parties under Article 92(e) of the Constitution;
- (xiv) the establishment and management of a political party fund under Article 92(f) of the Constitution;
- (xv) the accounts and audit of political parties under Article 92(g) of the Constitution;
- (xvi) restrictions on the use of public resources to promote the interests of political parties under Article 92(h) of the Constitution; and
- (xvii) any other matter affecting the management of political parties; or

(b) is a –

- (i) County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or
- (ii) County Governments Additional Allocations Bill under Article 202(2) of the Constitution.

PART IV – RESOLUTION UNDER ARTICLE 114 OF THE CONSTITUTION

Joint resolution on money Bill.

7B. (1) Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall seek the opinion of the Speaker of the other House on whether the Bill is a money Bill.

...../Notice of Amendments

(2) Sections 6 and 19 shall apply, with necessary modification, in the resolution of any question as to whether a Bill is a money Bill.

Criteria for determining a money Bill.

7C. (1) A Bill is a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions dealing only with –

- (a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or
- (e) matters incidental to any of the matters specified under paragraphs (a) to (d).

(2) A Bill is not a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions that –

- (a) concern county governments as set out in section 7A;
- (b) the imposition of taxes by a county government;
- (c) provides for the appropriation of funds by Parliament but does not appropriate money;
- (d) the imposition of charges on a public fund or the variation or repeal of such charges by a county government;
- (e) the appropriation, receipt, custody, investment or issue of public money by a county government; or
- (f) the raising or guaranteeing of any loan or its repayment by a county government.

Consideration of a money Bill. **7D.** (1) A Bill that meets the criteria under section 7C(1) may be introduced only in the National Assembly in accordance with Article 109(5) of the Constitution.

(2) A Bill that meets the criteria under section 7C(2) may be introduced in the National Assembly or the Senate and passed by both Houses in accordance with Articles 110 to 113, Articles 122 and 123 and 109(4) of the Constitution and the Standing Orders of the respective Houses.

Concurrent determination. **7E.** The determination of the nature of a Bill under section 6(1) shall be concurrent to the determination of the nature of a Bill under section 7B(1).

CLAUSE 8

THAT the Bill clause be amended by deleting clause 8.

CLAUSE 9

THAT the Bill clause be amended by deleting clause 9.

CLAUSE 10

THAT the Bill clause be amended by deleting clause 10.

CLAUSE 11

THAT the Bill clause be amended by deleting clause 11.

CLAUSE 12

THAT the Bill clause be amended by deleting clause 12.

CLAUSE 13

THAT the Bill clause be amended by deleting clause 13.

CLAUSE 14

THAT the Bill be amended –

- (a) by deleting the heading to Part IV appearing immediately before clause 14;
and
- (b) by deleting clause 14.

CLAUSE 15

THAT the Bill clause be amended by deleting clause 15.

CLAUSE 16

THAT the Bill clause be amended by deleting clause 16.

CLAUSE 17

THAT the Bill clause be amended by deleting clause 17

CLAUSE 18

THAT the Bill clause be amended by deleting clause 18.

CLAUSE 19

THAT clause 19 of the Bill be amended –

- (a) by deleting the heading to Part V and substituting therefor the following new heading –

PART IV – JOINT RESOLUTION

- (b) by deleting clause 19 and substituting therefor the following new clause

Joint resolution on the nature of a Bill.
19. (1) Where the Speakers agree on the nature of a Bill in terms of Articles 109(5), 110(3) and 114 of the Constitution, the Bill shall be introduced in the originating House in accordance with the Constitution and the standing orders of the respective House.

(2) Where the Speakers fail to agree on the nature of a Bill the Bill shall not be introduced in either House of Parliament.

CLAUSE 20

THAT the Bill be amended by deleting clause 20 and substituting therefor the following new clause –

...../Notice of Amendments

Presidential assent. **20.** A Bill presented for presidential assent shall be accompanied by a certificate of joint resolution signed by the Speakers of the National Assembly and the Senate in the form set out in the Schedule.

NEW CLAUSE 3A

THAT the Bill be amended by inserting the following new clause immediately after clause 3 –

Application . **3A.** This Act applies to all Bills originating in the National Assembly and the Senate.

FIRST SCHEDULE

THAT the Bill be amended by deleting the First Schedule and substituting therefor the following new schedule –

SCHEDULE
(s.20)

CERTIFICATE OF JOINT RESOLUTION

FORM A: Where the Bill concerns county governments

I certify that this]printed impression is a true copy of the Bill as passed by the [Originating House] onand by the [other House] on and that the Speakers jointly resolved the question, pursuant to Article 110(3) of the Constitution, that this is a Bill concerning county governments.

Clerk of the [originating House]

*Speaker of the
[originating House]*

Clerk of the [other House]

*Speaker of the
[other House]*

...../Notice of Amendments

Presented for assent in accordance with the provisions of the Constitution of Kenya on theday of at the hour of

Speaker of the [originating House]

FORM B: Where the Bill does not concern county governments

I certify that this printed impression is a true copy of the Bill as passed by the [Originating House] onand by the [other House] on and that the Speakers jointly resolved the question, pursuant to Article 110(3) of the Constitution, that this is not a Bill concerning county governments in terms of Article 110(1) of the Constitution.

Clerk of the [originating House]

Speaker of the [originating House]

Clerk of the [other House]

Speaker of the [other House]

Presented for assent in accordance with the provisions of the Constitution of Kenya on theday of at the hour of

Speaker of the [originating House]

SECOND SCHEDULE

THAT the Bill clause be amended by deleting the Second Schedule.

CLAUSE 2

THAT clause 2 of the Bill be amended by –

- (a) deleting the definition of the word “Bill concerning county governments”;
- (b) deleting the definition of the word “Bill not concerning county governments”;
- (c) deleting the definition of the word “Houses of Parliament” and substituting therefor the following new definition –

...../Notice of Amendments

- “House” means the National Assembly or the Senate;
- (d) deleting the definition of the word “mediation committee”;
- (e) deleting the definition of the word “money Bill”; and
- (f) deleting the definition of the word “second house”.

PREAMBLE

THAT the Bill be amended by deleting the preamble.

LONG TITLE

THAT the Bill be amended by deleting the long title to the Bill and substituting therefor the following new title –

AN ACT of Parliament to give effect to Articles 109(5), 110(3) and 114 of the Constitution; to provide the procedure for the Speakers of the National Assembly and the Senate to determine the nature of a Bill; and for connected purposes.

CLAUSE 1

THAT the Bill be amended by deleting clause 1 and substituting therefor the following new clause –

The Bicameral Legislative (Procedure) Bill, 2023.

G. *THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL
(SENATE BILLS NO. 38 OF 2023)

(Sen. (Dr.) Boni Khalwale, MP)

NOTICE is given that the Chairperson, Standing Committee on Roads, Transportation and Housing, intends to move the following amendments to the Public Transport (Motorcycle Regulation) Bill (Senate Bills No. 38 of 2023), at the Committee Stage—

CLAUSE 4

THAT the Bill be amended—

- (a) by inserting the following new clause immediately before clause 4—

Roles of
the
County
executive
committee
member.

3A. (1) The county executive committee member shall be responsible for the regulation, management, and coordination of all matters relating to the motorcycle transport sector within the county.

(2) Without prejudice to the generality of sub-section (1), the county executive committee member shall—

- (a) develop policies, regulations, and guidelines on motorcycle transport and safety matters within the county;
- (b) manage and control motorcycle transport services within the county, including registration and licensing of motorcycle riders, designate parking and routes;
- (c) ensure compliance with the provisions of this Act and any other laws related to the transport sector within the county;
- (d) conduct research and collect data on transport and safety matters within the county; and
- (e) develop and implement programs to promote road safety, including training and civic education of riders and passengers.

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

Appointment of Board **4.** The County executive member may delegate functions under section 3A to a Board.

CLAUSE 5

THAT Clause 5 of the Bill be amended—

(a) by inserting the words “or their representative” immediately after the words “county attorney” in paragraph (d);

(b) by deleting the word “four” and substituting therefor the word “two” in paragraph (f);

(c) by deleting the word “two” and substituting therefor the word “four” in paragraph (g);

(d) by renumbering the existing provision to subsection (1) and by inserting the following new subsection—

(2) While making the appointments under subsection (5), the county executive committee member shall —

(a) take in to consideration the one third gender rule and ensure that the youth and persons with disabilities are represented in the membership of the Board;

(b) ensure that two out of the four people appointed under paragraph (g) are active motorcycle riders; and

(c) consider the diversity in respect to the qualifications of the persons being appointed.

CLAUSE 6

THAT Bill be amended by deleting clause 6 and inserting therefor the following new clauses—

Qualifications for appointment. **6.** (1) A person qualifies to be appointed as the Chairperson of the Board if that person—

(a) holds a degree from a university recognized in Kenya;

(b) has at least five years’ experience in matters relating to transport;

(c) has resided in the county for a period of not less than five years.; and

(d) meets the requirements of Chapter Six of the Constitution

(2) A person qualifies to be appointed as a member of the Board, if the person—

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) has not been convicted of a criminal offence which attracts imprisonment for a term not exceeding six months;
- (c) has not been adjudged bankrupt or entered into a composition or arrangement with the creditors of the person;
- (d) is not disqualified under any other written law from appointment as such; and
- (e) in the case of a member under paragraph (f) has atleast a post secondary education qualification;
- (f) in the case of a member under paragraph (g) has atleast a secondary school qualification.

Tenure of office.

6A. (1) The Chairperson and members of the Board, shall hold office for a term of three years and may be eligible for re-appointment for an additional final term of three years.

(2) Notwithstanding the provisions of subsection (1), the Chairperson or a member of the Board may be removed from office if that person—

- (a) has been absent from three consecutive meetings of the Committee without justifiable cause or the written permission of the Chairperson;
- (b) is adjudged bankrupt or enters into a composition or arrangement with the creditors of the person;
- (c) is convicted of an offence involving anti-economic crimes or corruption;
- (d) becomes incapable of carrying out the functions of their office due to an infirmity of mind or body;

...../Notice of Amendments

(e) violates Chapter Six of the Constitution; or

(f) fails to disclose any interest in a matter under consideration by the Committee as provided for under this Act.

Remuneration of the Board.

6B. The Chairperson and the members of the Board shall be paid such sitting allowances or other remuneration for expenses as recommended by the Salaries and Remuneration Commission.

Vacancy.

6C. (1) The office of the Chairperson or a member of the Board shall become vacant if the holder—

(a) dies;

(b) resigns from office in writing addressed to the county executive committee member;

(c) is absent from three consecutive meetings of the Board without good cause; or

(d) is removed from office under subsection (2).

(2) A person may be removed as a chairperson or member of the Board if that person—

(a) is absent without permission of the Chairperson or the county executive committee member from three consecutive meetings of the Board;

(b) contravenes the provisions Chapter Six of the Constitution;

(c) is incapacitated by prolonged physical or mental illness and is unable to discharge the duties of his or her office;

...../Notice of Amendments

- (d) is convicted of an offence and imprisoned for a term of more than six months;
- (e) fails to comply with the provisions of the Act relating to disclosure of interest; or
- (f) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors.

Committees of the Board. **6D.** The Board may establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under the Act.

Conduct of affairs and business of the County Committee. **6E.** (1) The conduct of affairs and business of the Board shall be in accordance with the First Schedule of this Act.

(2) Subject to subsection (1), the Board may amend its own procedures for the better carrying out of its functions.

CLAUSE 7

THAT clause 7 of the Bill be amended—

- (a) by deleting subclause (1);
- (b) in subclause (2) by deleting the words “ with the Board” and substituting therefor the words “ in accordance to the Act”;
- (c) in subclause (3) by deleting the word “Board” appearing immediately after the words “made to the” and substituting therefor the words “ the county executive committee member”
- (d) in subsection (4) by deleting the word “ Board” appearing immediately after the word “The” at the beginning of the subclause and substituting therefor the words “county executive committee member;
- (e) by inserting the following new subsection immediately after subsection (5)—

...../Notice of Amendments

(6) The county executive committee member shall submit a copy of the register to the Authority every three months.

(f) by inserting the following new clause immediately after clause 7 –

Power to suspend or revoke certificate of registration.

7A. (1) The county executive committee member may suspend or revoke any certificate of registration issued under this Act on the grounds that the owner of the motorcycle or the rider of the motorcycle has failed or neglected to comply with the provisions of the Act.

(2) Prior to suspension of the certificate of registration under subsection (1) the county executive committee member shall—

(a) inform the holder of a registration certificate of the reasons for the proposed suspension or revocation; and

(b) give the holder of a registration certificate an opportunity to be heard in respect to the proposed suspension or revocation.

CLAUSE 8

THAT the Bill be amended by deleting clause 8.

CLAUSE 9

THAT the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

Cooperative Societies Membership.

Cap. 490.

9. (1) A person who owns a motorcycle for commercial purposes shall register with a Cooperative Society recognised under the Cooperative Societies Act.

(2) Each Cooperative Society shall provide proof of registration of an owner confirming their membership at the request of the county executive committee member.

(3) For purposes of this Act, the membership of an owner to a Cooperative Society shall not be for purposes of forming a gang or cartel by the owners or the riders who work for them.

CLAUSE 10

THAT clause 10 of the Bill be amended—

- (a) in subclause (1) by deleting the word “ Board” appearing immediately after the words “approved by the” and substituting therefor the word “Authority”
- (b) in subclause (2) by deleting the word “Board” appearing immediately after the word “The” and substituting therefor the word “Authority”
- (c) by inserting the following new subsection immediately after subsection (3)—
 - (4) The county executive committee member may provide for the manner in which the training may be offered in the local languages in the county.

CLAUSE 11

THAT clause 11 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

- (3) Every owner shall ensure —
 - (a) no structural modifications to the motorcycle are undertaken that may obstruct the visibility of the rear number plates;
 - (b) no structural modifications to the motorcycle are undertaken that may affect the safe operation of the motorcycle;
 - (c) no modifications to the exhaust system or any other noise abatement device of a motorcycle are done so as to cause the noise emitted by the motorcycle to be above that emitted by the motorcycle as originally manufactured.

CLAUSE 12

THAT clause 12 of the Bill be amended

- (a) in subsection (1)—
 - (i) by deleting the word “Board” appearing immediately after the words “issued by the” in paragraph (b) and substituting therefor the words “ county executive committee member”;
 - (ii) by deleting the word “person” appearing immediately after the words “more than one” in paragraph (d) and substituting therefor the words “adult passenger”;

...../Notice of Amendments

- (iii) by deleting the words “passengers are carried on a proper seat with foot rests securely fixed to the motorcycle behind the rider’s seat” appearing immediately after the words “ensure that” in paragraph (e) and substituting therefor the words “a passenger is carried on a proper seat with foot rests securely fixed to the motorcycle behind the seat of the rider”; and
- (iv) by deleting the words “loads exceeding fifty kilograms and passengers” appearing immediately after the words “ensure that” in paragraph (h) and substituting therefor the words “a load exceeding fifty kilograms and an adult passenger”.

(b) in subsection (2) by deleting the words “unless that person has a valid certificate of registration issued by the Board” appearing immediately after the words “not ride a motorcycle” in paragraph (b) and substituting therefor the words “ that has not been duly registered under this Act”.

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause in subsection (2)—

- (i) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) a child who is less that thirteen years old may be carried together with an adult passenger provided the child is seated between the rider and the adult passenger.
- (ii) by deleting paragraph (b).

CLAUSE 14

THAT clause 14 of the Bill be amended in subclause (3) by deleting the word “Board” appearing immediately after the word “The” and substituting therefor the following new words “ county executive committee member”

CLAUSE 15

THAT clause 15 of the Bill be amended by deleting the word “Board” appearing immediately after the words “authorised by the” and substituting therefor the following new words “ county executive committee member”

CLAUSE 16

THAT clause 16 (3) of the Bill be amended by deleting the word “nine” appearing immediately after the words “ is less than” and substituting therefor the word “thirteen”.

CLAUSE 17

THAT clause 17 of the Bill be amended in subclause (1) by deleting the word “thirty kilograms for a motorcycles whose carrying capacity does not exceed fifty cc and kilograms for a motorcycle whose carrying capacity does not exceed four hundred cc” appearing immediately after the words “ is more than” in paragraph (c) and substituting therefor the word “fifty kilograms”.

CLAUSE 18

THAT clause 18 of the Bill be amended —

- (a) in subclause (1) by deleting the words “county transport and safety board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”; and
- (b) in subclause (6) “county transport and safety board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”

CLAUSE 19

THAT clause 19 of the Bill be amended —

- (a) in subclause (1) by deleting the word “ Board” appearing immediately after the words “issued by the” and substituting therefor the words “county executive committee member”;
- (b) in subclause (2) “Board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”; and
- (c) in subclause (4) “Board” appearing at the beginning of the subclause and substituting therefor the words “The county executive committee member”.

CLAUSE 21

THAT the Bill be amended by deleting clause 21.

CLAUSE 23

THAT clause 23 of the Bill be amended —

- (a) in subclause (1) by deleting the word “Board” appearing immediately after the words “device approved by” and substituting therefor the words “the county executive committee member”
- (b) in subsection (2) by inserting the word “(1)” immediately after the words “to in sub-section”
- (c) in subsection (3) by deleting the word “Board” appearing immediately after the words “The” and substituting therefor the words “the county executive committee member”
- (d) in subclause (4) by deleting the word “Board” appearing immediately after the words “device to the” and substituting therefor the words “the county executive committee member”.

CLAUSE 26

THAT clause 26 of the Bill be amended by deleting the word “County Transport and Safety Board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”.

CLAUSE 26

THAT clause 26 of the Bill be amended by deleting the word “these” appearing immediately after the words “any provision of” and substituting therefor the word “this”.

CLAUSE 28

THAT clause 28 of the Bill be amended by inserting the following new clause—

County legislation. **28A.** Nothing in this Act shall preclude county governments from enacting legislation relating to the regulation of motorcycles within its county.

NEW CLAUSE 30

THAT the Bill be amended by inserting the following new clause immediately after clause 29 –

Consequential amendments. **30.** Section 21 and 22 of the National Transport and Safety Act are repealed.

INSERTION OF SCHEDULE

SCHEDULE **s. 6E**
CONDUCT OF BUSINESS AND AFFAIRS OF BOARD

Meetings of the Board. **1.** (1) The Board shall meet at least once in every three months to conduct the business of the Board.

(2) The Chairperson shall convene the ordinary meetings of the Board.

(3) Despite the provisions of subparagraph (1), the Chairperson shall, upon a written request by at least five members, convene a special meeting of the Board at any time where the chairperson considers it expedient for the transaction of the business.

(4) Unless three quarters of the total number of the members of the Board otherwise agree, at least fourteen days written notice of every meeting shall be given to every member by the respective Secretary.

...../Notice of Amendments

(5) The quorum for the conduct of the business of the Board shall be five members.

(6) The chairperson shall preside at every meeting of the Board at which the Chairperson is present and in the Chairperson’s absence, the members present shall elect one person from their number to preside over the meeting and that person shall have all the powers of the Chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the Board shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to provisions of this Schedule, the Board may determine its own procedure and for the attendance of other persons at its meetings thereof.

Disclosure of Interest.

of

2. (1) If a member of the Board is directly or indirectly interested in any matter before the Council or the county e-waste committee and is present at the respective meeting at which the matter is the subject of consideration, that member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the member’s interest in the matter and shall not take part in the deliberations relating to the matter, or vote on, the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

APPENDIX

1. PETITION

Petition to the Senate by Mr. Laban Omusundi regarding the matter of branding public projects with images of Governors and Members of the County Assemblies (MCAs).

(The Speaker of the Senate)

2. PAPERS

- i) Bi-Annual Report of the Commission on Administrative Justice (CAJ) for the period July – December, 2023.
- ii) Report of the Auditor General on financial Statements of Karuri Level 4 Hospital – County Government of Kiambu for the year ended 30th June, 2023.
- iii) Report of the Auditor General on financial Statements of Kihara Level 4 Hospital – County Government of Kiambu for the year ended 30th June, 2023.

(The Senate Majority Leader)

3. NOTICE OF MOTION - STRENGTHENING SUPPORT FOR PASTORALIST COMMUNITIES TO COMBAT CATTLE RUSTLING AND MINIMIZE LIVESTOCK LOSSES

(Sen. James Lomenen, MP)

THAT AWARE THAT, the livestock sector plays a crucial role in the economic well-being and cultural identity of many communities, particularly in arid and semi-arid regions of Kenya;

FURTHER AWARE THAT, cattle rustling has become a major hindrance to economic development, severely affecting pastoralist communities that heavily rely on livestock for their livelihood, leading to loss of life, destruction of property, and displacement of families;

APPRECIATING THAT, over the years, various interventions have been introduced by both the National and County Governments, including security operations, disarmament initiatives, and community peace-building efforts to curb the menace of cattle rustling and provision of livestock insurance to protect farmers in case of loss;

CONCERNED THAT, despite Government efforts, cattle rustling continues to thrive, driven by organized crime syndicates, political interference, and cultural practices, which severely undermines the economic stability and social cohesion of affected communities, thereby contravening the right of pastoralists to acquire and own property as stated in Article 40(1) of the Constitution;

...../Appendix

FURTHER CONCERNED THAT the lack of adequate legal frameworks, affordable and comprehensive insurance schemes for livestock, and financial security for pastoralist communities has left many families vulnerable to poverty due to the theft of their livestock and the impacts of climate change, particularly drought, which aggravates these challenges;

NOW THEREFORE, the Senate urges the Ministry of Agriculture and Livestock Development to:

1. increase the budget allocation to the agricultural sector to at least 10% of the national budget, in line with the Maputo Declaration of 2000 (reaffirmed by the Malabo Declaration of 2015),
2. to create an enabling environment for providing affordable livestock insurance to pastoralists;
3. provide incentives to the private sector to deliver comprehensive and affordable livestock insurance; and
4. implement measures to promote public awareness and encourage the uptake of livestock insurance.

4. QUESTIONS AND STATEMENTS

Request for Statements pursuant to Standing Order 53(1)

- i) The Senator for Kisii County (Sen. Richard Onyonka, MP) to seek a Statement from the Standing Committee on Health regarding the operationalization of the Social Health Authority healthcare infrastructure on a unified platform.
- ii) The Senator for Garissa County (Sen. Haji Abdul Mohammed, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the financial operations of County Public Service Boards (CPSBs).
- iii) The Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the arbitrary withdrawal of Health Service Allowance for health sector staff in Bomet County.
- iv) The Senator for Machakos County (Sen. Agnes Kavindu Muthama, MP) to seek a Statement from the Standing Committee Land, Environment and Natural Resources regarding the loss of documents used in printing of title deeds by the Government Printer.
- v) Nominated Senator (Sen. Raphael Chimera, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources concerning reported cases of lions roaming along Mackinon road in Kwale County.

...../Appendix

- vi) The Senator for Turkana County (Sen. James Lomenen, MP) to seek a Statement from the Standing Committee on Energy on the persistent power blackouts and rationing in Lodwar and other towns in Turkana County.
- vii) The Senator for Turkana County (Sen. James Lomenen, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the failure by both county and national governments to manage the flood control in river Kawalase in Turkana County.
- viii) The Senator for Turkana County (Sen. James Lomenen, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources concerning health and environmental impacts of the exploratory oil and natural gas well drilling in Turkana County.
- ix) The Senator for Kisumu City County (Sen. (Prof.) Tom Ojienda, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding increased cases of insecurity in Kisumu City County.
- x) The Senator for Kisumu City County (Sen. (Prof.) Tom Ojienda, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the utilization of emergency funds by the Kisumu County Government.
- xi) The Senator for Kisumu City County (Sen. (Prof.) Tom Ojienda, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the accumulation of pending bills in Kisumu City County.

NOTICE PAPER

Tentative Business for Tuesday, October 14, 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, October 14, 2024.

A. BILLS AT THE SECOND READING STAGE

- i) *THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILLS NO. 20 OF 2024)
(Sen. Karungo Thangwa, MP and Sen. Godfrey Osotsi, MP)
- ii) *THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILLS NO. 30 OF 2024)
(Sen. Eddy Oketch, MP)
- iii) *THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL (SENATE BILLS NO. 32 OF 2024)
(Sen. (Dr.) Lelegwe Itumbesi, MP)
- iv) *THE SPORTS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2024)
(Sen. Edwin Sifuna, MP)
- v) *THE COUNTY GOVERNMENTS (STATE OFFICERS REMOVAL FROM OFFICE) PROCEDURE BILL (SENATE BILLS NO. 34 OF 2024)
(Sen. Karungo Thang'wa, MP)
- vi) *THE TOBACCO CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 35 OF 2024)
(Sen. Catherine Mumma, MP)
- vii) ****THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO. 36 OF 2024)
(The Senate Majority Leader)
- viii) *THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)
(Sen. James Murango, MP)
- ix) *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)
(Sen. James Murango, MP)

B. BILL AT COMMITTEE OF THE WHOLE STAGE

- i) *THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)
(Sen. Esther Anyieni Okenyuri, MP)
- ii) *THE NUTS AND OIL CROPS DEVELOPMENT BILL (SENATE BILLS NO. 47 OF 2023)
(Sen. Hamida Kibwana, MP)
- iii) **THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)
(The Chairperson, Standing Committee on Energy)
- iv) *THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)
(Sen. Eddy Oketch, MP)
- v) ***THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)
(The Senate Majority Leader)
- vi) ****THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)
(The Senate Majority Leader)
- vii) *THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)
(Sen. Edwin Sifuna, MP)
- viii) ***THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)
(The Senate Majority Leader)
- ix) *THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)
(Sen. Mariam Sheikh Omar, MP)

C. MOTIONS

- i) REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER, SANITATION AND SEWERAGE SERVICE COMPANIES FOR THE FINANCIAL YEARS 2018/2019 (VOLUME VI), 2019/2020 (VOLUME VII) AND 2020/2021 (VOLUME IX)
(The Chairperson, Committee on County Public Investments and Special Funds)

- ii) PROGRESS REPORT OF THE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION INTO AN INQUIRY ON THE DIVERSITY AND INCLUSIVITY IN THE STAFF COMPOSITION OF STATE AGENCIES IN KENYA
(The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

- iii) REPORT OF THE STANDING COMMITTEE ON EDUCATION ON A PETITION TO THE SENATE REGARDING THE DISCRIMINATION BY TEACHERS SERVICE COMMISSION (TSC) ON PAYMENT OF HARDSHIP AND ENHANCED HOUSE ALLOWANCES TO SOME TEACHERS IN KILIFI AND TAITA TAVETA COUNTIES
(The Chairperson, Standing Committee on Education)

- iv) ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA
(Sen. Johnes Mwaruma, MP)

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

- vi) ALLOCATION OF SCHOLARSHIPS AND BURSARIES BY COUNTY GOVERNMENTS
(Sen. (Prof.) Margaret Kamar, MP)

- vii) DEPLOYMENT OF SAFETY OFFICERS IN SCHOOLS FOR ENHANCED SECURITY AND PREPAREDNESS
(Sen. Karen Nyamu, MP)

- viii) STEPS TO EFFECTIVE WASTE MANAGEMENT IN CITIES, TOWNS AND URBAN AREAS IN THE COUNTRY
(Sen. Mwenda Gataya Mo Fire, MP)

- ix) CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
