



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

MORNING SITTING

WEDNESDAY, MARCH 06, 2024 AT 9.30 AM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **MOTION - DECLARATION OF CATTLE RUSTLING AND BANDITRY AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**
(Sen. William Cheptumo, MP)

THAT AWARE THAT, cattle rustling/banditry is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational health programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT, the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

...../Motion

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling/banditry to:
 - (i) Investigate the causes of the rampant cattle rustling and banditry in the said region and the Country at large;
 - (ii) Establishes the extent of suffering, loss and damage the cattle rustling/banditry has occasioned to the communities in all the affected Counties;
3. Create a Special Fund for mitigating the losses suffered by and in compensating all victims of cattle rustling/banditry and settle all internally displaced persons occasioned by the menace.

(Resumption of debate interrupted on Wednesday, 28th February, 2024 – Morning Sitting)
(Balance of time – 2 Hours 40 Minutes)

9. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF THE WATER SERVICE PROVIDERS FOR THE YEAR ENDED 30TH JUNE, 2019, 30TH JUNE, 2020 AND 30TH JUNE, 2021.**

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

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the year ended, 30th June, 2019, 30th June, 2020 and 30th June, 2021 of the following Water Service Providers-

- i.) Amatsi Water Services Company Limited - Vihiga County;
- ii.) Bomet Water Company Limited – Bomet County;
- iii.) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- iv.) Kisumu Water and Sanitation Company Limited –Kisumu County;
- v.) Kwale Water and Sewerage Company Limited – Kwale County; and
- vi.) Nyeri Water and Sanitation Company Limited – Nyeri County

and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30th June, 2021, laid on the Table of the Senate on Thursday, 23rd November, 2023.

10. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**

(Sen. Moses Kajwang’, MP)

(Second Reading)

Resumption of debate interrupted on Tuesday, 5th March, 2024)

...../Motion

11. **MOTION - REPORT OF THE 66TH COMMONWEALTH PARLIAMENTARY CONFERENCE HELD IN ACCRA, GHANA FROM 30TH SEPTEMBER – 6TH OCTOBER, 2023**

(Sen. (Prof.) Margaret Kamar, MP)

THAT, the Senate notes the Report of the 66th Commonwealth Parliamentary Conference held in Accra, Ghana from 30th September – 6th October, 2023 laid on the Table of the Senate on 15th February, 2024.

12. **MOTION - REPORT OF THE 147TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN LUANDA, ANGOLA ON 23RD TO 27TH OCTOBER, 2023**

(Sen. Catherine Mumma, MP)

THAT, the Senate notes the Report of 147th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Luanda, Angola on 23rd to 27th October, 2023 laid on the Table of the Senate on Thursday 29th February, 2024.

13. **MOTION - REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 13TH PLENARY ASSEMBLY OF THE FORUM OF PARLIAMENTS OF THE MEMBER STATES OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR), HELD IN JUBA, SOUTH SUDAN**

(Sen. Roba Ali Ibrahim, MP)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 13th Plenary Assembly of the Forum of Parliaments of the Member States of the International Conference on the Great Lakes Region (FP-ICGLR), held in Juba, South Sudan, laid on the table of Senate on Thursday, 7th December, 2023.

14. **MOTION - REPORT OF THE 9TH INTER-PARLIAMENTARY UNION (IPU) GLOBAL CONFERENCE OF YOUNG PARLIAMENTARIANS HELD IN HANOI, VIETNAM FROM 15TH TO 17TH SEPTEMBER, 2023**

(Sen. John Methu, MP)

THAT, the Senate notes the Report of the 9th Inter-Parliamentary Union (IPU) Global Conference of Young Parliamentarians held in Hanoi, Vietnam from 15th to 17th September, 2023, laid on the table of Senate on Tuesday, 5th March, 2024.

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NOTICE

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

THAT, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

KEY

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

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

****- Denotes a Committee Bill**

***- Denotes any other Bill**

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APPENDIX

1. NOTICES OF MOTION

i) REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2024 BUDGET POLICY STATEMENT

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2024 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 5th March, 2024, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 186 (8), the Senate, approves the 2024 Budget Policy Statement.

ii) RENEWAL OF THE MANDATE OF THE AD HOC COMMITTEE ON THE COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES OF AMERICA EMBASSY IN NAIROBI

(The Chairperson, Ad-Hoc Committee)

THAT, AWARE THAT, at the Sitting of the Senate held on 29th June, 2023, the Senate, resolved to establish an Ad Hoc Committee to investigate the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi and report back to the House within three months of its establishment;

FURTHER AWARE, that on 3rd October, 2023 and on 15th November, 2023 the Senate resolved to renew the mandate of the Ad Hoc Committee for a further period not exceeding forty-five (45) days, and a further period not exceeding one hundred (100) days from 10th November, 2023, respectively, to enable the Committee to finalize and table its report in the Senate on or before 18th February, 2024;

APPRECIATING THAT, the Committee has a lot of work to execute before conclusion of its enquiry and reporting to the Senate;

NOW, THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee for a further period not exceeding one hundred (100) days from 11th March, 2024, and to table its final report in the Senate on or before 19th June, 2024.

2. QUESTIONS AND STATEMENTS

QUESTIONS

Question No. 010 The Senator for Kisumu County [Sen. (Prof.) Tom Ojienda, SC, MP] to ask the Cabinet Secretary for Roads and Transport: -

- a) Could the Cabinet Secretary provide comprehensive data and records on road accidents involving tractors transporting sugarcane from farms to factories in sugarcane growing areas in Kisumu County since 2017?
- b) How many of these accidents are attributable to unroadworthy tractors and incompetency of tractor drivers, respectively?
- c) What is the Government doing to strengthen and streamline regular monitoring and enforcement of the licensing of tractor drivers as well as the inspection of the tractors?
- d) What measures are in place to also ensure proper maintenance of roads in sugarcane growing regions and, could the Cabinet Secretary state plans to compensate all the persons affected by road accidents involving these tractors?

Question No. 011 The Senator for Nandi County (Sen. Samson Cherarkey, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) Could the Cabinet Secretary provide an overview of the performance metrics of Kenya Airways (KQ), particularly the gross and operational profit or loss for the half-year ended June 2023, explaining how the profits or loss compare against other key industry players?
- b) Could the Cabinet Secretary provide a comprehensive account of all financial support, including Government bailouts and loans from the Export-Import Bank of the United States of America, extended to Kenya Airways over the last 10 years, highlighting the respective amounts received and the purposes for which the support was extended?

- c) Which foreign consultancy firms have been engaged by KQ in the last 10 years to revitalize the airline, and could the Cabinet Secretary indicate the respective amounts paid to each, as well as provide an overview of the recommendations made by the firms?
- d) What was the rationale behind the decision of Kenya Airways (KQ) to ground the Boeing 787-8 Dreamliner registered as 5YKZJ, the Boeing 737-7U8 registered as 5YKQH and Boeing 737-7U8 registered as 5Y-KQG, and could the Cabinet Secretary also explain why the option of converting these aircraft into cargo planes was not pursued and identify the authority that approved the removal of parts from these aircrafts?

Question No. 012

The Senator for Nandi County (Sen. Samson Cherarkey, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) When will the ongoing project for the expansion of Kerenga Airstrip be completed?
- b) What is the total budgetary allocation for the project, and could the Cabinet Secretary provide a detailed breakdown of the expenditures incurred so far?
- c) Could the Cabinet Secretary provide a detailed assessment of the quality of works for the project, stating what the Government is doing to hold accountable the contractor, and any other individuals, responsible for any identified lapses?

Question No. 013

The Senator for Nandi County (Sen. Samson Cherarkey, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) Could the Cabinet Secretary provide a status update on all projects for the construction and upgrade of roads undertaken by the National Government in Nandi County since 2013, explaining any discrepancies between the contractual and actual dates of completion?
- b) What are the reasons for the delay in resumption of construction of Kaiboi-Chepterwai-Kapkatembu, Chemuswo-Chomisia-Danger, Timboroa-Maraba-Kopere, Mugundoi-Nandi Hills, Nandi Hills-Himaki,

Lessos-Kesses-Chetiret and Chepterit-Tulon-Moi University roads in Nandi County, which have stalled, and could the Cabinet Secretary also outline steps taken by the Government to expedite the resumption and completion of these projects?

Question No. 014 The Senator for Kitui County (Sen. Enoch Wambua, CBS, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) What is the status of compensation to residents whose parcels of land were acquired for the construction of the Kibwezi-Athi-Mutomo-Kitui-Migwani Road?
- b) Could the Cabinet Secretary indicate the outstanding balance of compensation, and state when it will be paid out?

Question No. 015 The Senator for Kitui County (Sen. Enoch Wambua, CBS, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) What is the current state of the Ithookwe airstrip in Kitui County and are there any plans to upgrade it to commercial status?
- b) Could the Cabinet Secretary provide an update on the construction progress of the Tseikuru and Mutomo airstrips in Kitui County?

Question No. 016 The Senator for Meru County (Sen. Kathuri Murungi, MGH, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) Could the Cabinet Secretary provide a schedule of pending bills currently owed by the Kenya Urban Roads Authority (KURA) and the Kenya National Highways Authority (KENHA) to contractors engaged in road construction projects across the country, clearly indicating the proportion that constitute accumulated interest and penalties from delayed payments?
- b) What occasioned the delay in settling bills due for payment by the two Government entities, resulting in the accumulation of avoidable interest and penalties that overshoot the costs of the respective projects to untenable levels?

- c) What measures has the Government put in place to ensure the timely settlement of bills as they fall due, and could the Cabinet Secretary provide a timeline for the settlement of the existing pending bills?
- d) Could the Cabinet Secretary also explain mechanisms the Government has put in place to improve the quality of procurement and project management processes to mitigate against irregular award of tenders, inflation of project costs and certification as complete, of projects that have not attained the requisite standards?

Question No. 021

The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

- a) What has occasioned the failure by the e-Citizen digital platform to process and reflect payments made to some institutions such as the National Health Insurance Fund (NHIF), and could the Cabinet Secretary explain steps taken to remedy the situation?
- b) Where does the convenience fee charged and all other payments that fail to reflect on the platform end up?
- c) Could the Cabinet Secretary report on the safety, efficiency, efficacy and reliability of the e-Citizen digital payment platform, in light of the numerous complaints of delays and technical issues that followed the onboarding of a significant number of Government services on the platform?

Question No. 025

The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Gender, Culture, the Arts and Heritage: -

- a) Are there plans by the Government to establish a public library in Kirinyaga County, and if so, could the Cabinet Secretary clarify whether budgetary allocations for the same will be made in the financial year 2024/2025?
- b) What actions is the Government taking to ensure the establishment of public libraries in all counties where there is none?

NOTICE PAPER

Tentative Business for

Wednesday, March 06, 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 Wednesday, March 06, 2024 (Afternoon Sitting)

A. BILLS AT THE COMMITTEE OF THE WHOLE

- i.) **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
- ii.) *THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)
(Sen. Samson Cherarkey, MP)
- iii.) ***THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)
(The Senate Majority Leader)
- iv.) *THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)

B. BILLS AT THE SECOND READING STAGE

- i.) ***THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2022)(Division)
(Sen. Samson Cherarkey, MP)
- ii.) *THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)
(Sen. (Dr.) Boni Khalwale, MP)
- iii.) *THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)
(Sen. Kathuri Murungi, MP)

C. MOTIONS

- i) REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2024 BUDGET POLICY STATEMENT
(The Chairperson, Standing Committee on Finance and Budget)

- ii) 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)
