

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (THIRD SESSION)

THE SENATE

ORDER PAPER

TUESDAY, APRIL 23, 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
- 7. Questions and Statements (as listed in the Appendix)
- 8. *THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023) (Sen. Wakili Hillary Sigei, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 30th November, 2023) (Division)

9. ***THE CONFLICT OF INTEREST BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 28th March, 2024)
(Division)

10. ***THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday 16th April, 2024)
(Division)

					/Bills	

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday 18th April, 2024) (Division)

12. *THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 25 OF 2023)

(Sen. Samson Cherarkey, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday 18th April, 2024) (Division)

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

(Sen. Beatrice Ogolla, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday 16th April, 2024)

14. **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023) (The Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

15. *THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)

(Sen. James Murango, MP)

(Second Reading)

16. *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023) (Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

17. *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)

(Sen. James Murango, MP)

(Second Reading)

18. *THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)

(Sen. Karungo Thang'wa, MP)

(Second Reading)

...../Bills

19. *THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)

(Sen. Mohamed Chute, MP)

(Second Reading)

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

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

(Second Reading)

21. MOTION - STATUS OF PENDING BILLS IN COUNTIES

(Sen. Ledama Olekina, MP)

AWARE THAT, as at 31st December, 2023, according to the County Governments Budget Implementation Review report for the first half of the financial year 2023/2024, County Governments had accumulated a total of Ksh.156.34 Billion shillings in pending bills with Nairobi City County accumulating the largest share of Ksh.107, 037,053,000 followed by Kiambu and Mombasa Counties at Kshs. 5,711,614,412 and Kshs. 3,922,131,877 respectively;

CONCERNED THAT, the accumulated pending bills in Counties have significantly affected service providers in the counties leading to closure of businesses, stalling of county projects, adversely affecting economic growth in counties, service delivery and ultimately slowing down the country's economic growth;

FURTHER CONCERNED that most of the service providers in the counties are battling court cases lodged against them by their financiers and suppliers while others are languishing in poverty exacerbated by the increased cost of living, with increased mental health disease incidences and others dying as a result of the effects of colossal amounts of debt owed to them by county governments;

NOW THEREFORE, the Senate-

- 1. recommends that all County Governments pay verified pending bills amounting to less than Ksh. 1 Billion by the end of this financial year and those above Ksh.1 Billion by the end of the financial year 2024/2025; and
- 2. Resolves that
 - i. pursuant to the provisions of Regulation 41(2) & (3) of the Public Finance Management (County Governments) Regulations, 2015, County Governments prioritize payment of pending bills as a first charge on the County Revenue Fund failure to which the subsequent quotas budget releases will not be done;

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- ii. County Governments shall only pay pending Bills contained in their respective procurement plans pursuant to Regulation 50 (2) & (3) of the Public Finance Management (County Governments) Regulations;
- iii. Supplementary budgets for county governments are prepared in the 3rd Quarter to curb instances of arbitrary re-allocations out of the approved budget estimates; and
- iv. County governments shall conduct public participation while formulating supplementary budgets, failure to which the Controller of Budget (CoB) shall not approve the supplementary budgets.

(Resumption of debate interrupted on Thursday, 28th March, 2024 – Balance of time 2 hours 40 minutes)

22. MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE STATUS OF IMPLEMENTATION OF PROJECTS FUNDED BY THE CONDITIONAL GRANT FOR THE CONSTRUCTION OF COUNTY HEADQUARTERS

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the status of implementation of projects funded by the Conditional Grant for the construction of County Headquarters laid on the Table of the Senate on Thursday, 28th March, 2024.

23. 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.

24. 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.

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
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- ***- Denotes a National Assembly Bill
- **- Denotes a Committee Bill
- *- Denotes any other Bill

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APPENDIX

1. PETITION

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

(Sen. Andrew Omtatah Okoiti, MP)

2. PAPERS

- i.) Report of the Auditor General on Financial Statements of Makueni County Sand Conversation and Utilization Authority for the year ended 30th June, 2023.
- ii.) Report of the Auditor General on Financial Statements of Makueni County State and Public Officers Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- iii.) Report of the Auditor General on Financial Statements of Mbooni Water and Sanitation Company Limited for the year ended 30th June, 2023.
- iv.) Report of the Auditor General on Financial Statements of Kibwezi-Makindu Water and Sanitation Company Limited for the year ended 30th June, 2023.
- v.) Report of the Auditor General on Financial Statements of Wote Water and Sewerage Company Limited for the year ended 30th June, 2023.
- vi.) Report of the Auditor General on Financial Statements of Kericho County Assembly Members Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- vii.) Report of the Auditor General on Financial Statements of Kericho County Bursary Fund for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statements of Kericho Municipality for the year ended 30th June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Litein Municipality for the year ended 30th June, 2023.
- x.) Report of the Auditor General on Financial Statements of Kisii County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- xi.) Report of the Auditor General on Financial Statements of Gusii Water and Sanitation Company Limited for the year ended 30th June, 2023.

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- xii.) Report of the Auditor General on Financial Statements of Narok Bursary Management Fund for the year ended 30th June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of Narok County Alcoholic Drinks Regulation and Control Fund for the year ended 30th June, 2023.
- xiv.) Report of the Auditor General on Financial Statements of Kitui County Textile Centre for the year ended 30th June, 2023.
- xv.) Report of the Auditor General on Financial Statements of Kitui Water and Sanitation Company Limited for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of Kiambere Mwingi Water and Sanitation Company Limited for the year ended 30th June, 2023.
- xvii.)Report of the Auditor General on Financial Statements of Kakamega County Agricultural Inputs Fund for the year ended 30th June, 2023.
- xviii.) Report of the Auditor General on Financial Statements of Mumias Municipality for the year ended 30th June, 2023.
 - xix.) Report of the Auditor General on Financial Statements of the County Assembly of Nyeri Car Loan and Mortgage (Members) Scheme Fund for the year ended 30th June, 2023.
 - xx.) Report of the Auditor General on Financial Statements of Othaya Mukurweini Water and Sanitation Company Limited for the year ended 30th June, 2023.
 - xxi.) Report of the Auditor General on Financial Statements of Mathira Water and Sanitation Company Limited for the year ended 30th June, 2023.
 - xxii.)Report of the Auditor General on Financial Statements of Dekut Enterprises Company for the year ended 30th June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of Nyandarua County Assembly (Members) Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxiv.) Report of the Auditor General on Financial Statements of Olkalou Water and Sanitation Company Limited for the year ended 30th June, 2023.
 - xxv.)Report of the Auditor General on Financial Statements of Olkejuado Water and Sewerage Company for the year ended 30th June, 2023.

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- xxvi.) Report of the Auditor General on Financial Statements of Oloolaiser Water and Sewerage Company Limited for the year ended 30th June, 2023.
- xxvii.)Report of the Auditor General on Financial Statements of Nairobi City County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxviii.) Report of the Auditor General on Financial Statements of Nairobi City County Alcoholic Drinks Control and Licensing Board for the year ended 30th June, 2023.
 - xxix.) Report of the Auditor General on Financial Statements of Ewaso Ng'iro North River Basin Development Authority for the year ended 30th June, 2023.
 - xxx.)Report of the Auditor General on Financial Statements of Ewaso Ng'iro South River Basin Development Authority for the year ended 30th June, 2023.
 - xxxi.) Report of the Auditor General on Financial Statements of University of Eldoret for the year ended 30th June, 2023.
 - xxxii.)Report of the Auditor General on Financial Statements of the Eldoret National Polytechnic for the year ended 30th June, 2023.
- xxxiii.) Report of the Auditor General on Financial Statements of Eldoret Water and Sanitation Company Limited for the year ended 30th June, 2023.
- xxxiv.) Report of the Auditor General on Financial Statements of Kirinyaga Water and Sanitation Company Limited for the year ended 30th June, 2023.
 - xxxv.) Report of the Auditor General on Financial Statements of Murang'a South Water and Sanitation Company Limited for the year ended 30th June, 2023.
- xxxvi.) Report of the Auditor General on Financial Statements of Ngagaka Water and Sanitation Limited for the year ended 30th June, 2023.
- xxxvii.)Report of the Auditor General on Financial Statements of North Rift Valley Water Works Development Agency for the year ended 30th June, 2023.
- xxxviii.) Report of the Auditor General on Financial Statements of Nyamira County Executive Mortgage and Car Loan Fund for the year ended 30th June, 2023.

- xxxix.) Report of the Auditor General on Financial Statements of Migori County Water and Sanitation Company Limited for the year ended 30th June, 2023.
 - xl.) Report of the Auditor General on Financial Statements of Trans Nzoia County Assembly Members and Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
 - xli.) Report of the Auditor General on Financial Statements of Egerton University for the year ended 30th June, 2023.
 - xlii.) Report of the Auditor General on Financial Statements of Bukura Agricultural College for the year ended 30th June, 2023.
 - xliii.)Report of the Auditor General on Financial Statements of Tambach Teachers Training College for the year ended 30th June, 2023.

(The Senate Majority Leader)

xliv.) Report of the Standing Committee on Trade, Industrialization and Tourism on its consideration of the Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 41 of 2023).

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

3. QUESTIONS AND STATEMENTS

a) Request for Statements pursuant to Standing Order 53(1)

- i) Nominated Senator (Sen. Catherine Mumma, MP) to seek a Statement from the Standing Committee on Health regarding the safety profile, efficacy and adverse effects of the messenger ribonucleic acid (mRNA) COVID-19 vaccines.
- ii) Nominated Senator (Sen. Catherine Mumma, MP) to seek a Statement from the Standing Committee on Health regarding the implementation of signed Collective Bargaining Agreements (CBAs) by the Government.
- iii) The Senator for Machakos County (Sen. Agnes Kavindu, MP) to seek a Statement from the Standing Committee on Education regarding alleged failure by public universities to remit statutory deductions for their employees.
- iv) The Senator for Nakuru County (Sen. Tabitha Keroche, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding alleged financial impropriety in the County Government of Nakuru.

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- v) The Senator for Nakuru County (Sen. Tabitha Keroche, MP) to seek a Statement from the Standing Committee on Finance and Budget concerning stalled projects and allocation of development funds in the 2023/2024 budget for the County Government of Nakuru.
- vi) The Senator for West Pokot County (Sen. (Rev.) Julius Murgor, MP) to seek a Statement from the Standing Committee on Education regarding the welfare of Early Childhood Development Education (ECDE) teachers in West Pokot County.
- vii) The Senator for West Pokot County (Sen. (Rev.) Julius Murgor, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the shortage of maize seed in various counties.
- viii) The Senator for Kisii County (Sen. Richard Onyonka, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare concerning claims of mismanagement of human resource operations by the Kisii County Public Service Board.
 - ix) The Senator for Kisii County (Sen. Richard Onyonka, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding alleged irregular alteration of the Kisii County Executive Budget.
 - x) The Senator for Kisii County (Sen. Richard Onyonka, MP) to seek a Statement from the Standing Committee on Health regarding the operations of the Kisii Teaching and Referral Hospital (KTRH).
- xi) The Senator for Kisii County (Sen. Richard Onyonka, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare concerning labour matters highlighted in the audit on human resource in Kisii County.
- xii) The Senator for Kisii County (Sen. Richard Onyonka, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding financial mismanagement by the Kisii County Government.
- xiii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Education regarding the state of Technical and Vocational Education and Training (TVET) centres in Kisumu County.
- xiv) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the state of market centres and the establishment of the Kisumu Trade Fund.

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b) Statements pursuant to Standing Order 56(1) (b)

- i.) The Chairperson, Standing Committee on Land, Environment and Natural Resources to make a Statement relating to the activities of the Committee for the period, January to March, 2024.
- ii.) The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to make a Statement relating to the activities of the Committee for the period, January to March, 2024.
- iii.) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations to make a Statement relating to the activities of the Committee for the period, January to March, 2024.

NOTICE PAPER I

Tentative Business for Wednesday, April 24, 2024 (Morning Sitting)

(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, April 24, 2024 (Morning Sitting).

QUESTION NO.	SENATOR	SUBJECT	MINISTRY
025	Sen. James Murango, MP	Establishment of public libraries in the 47 counties	Gender, Culture, the Arts and Heritage
037	Sen. (Dr.) Boni Khalwale, CBS, MP	Welfare of Kenyans working in the Gulf States	Foreign and Diaspora Affairs
040	Sen. (Prof.) Tom Ojienda, SC, MP	Obligations of the Government to Kenyans in the diaspora who face arrest, detention and deportation	Foreign and Diaspora Affairs

MOTIONS

- i. REPORT OF THE 66TH COMMONWEALTH PARLIAMENTARY CONFERENCE HELD IN ACCRA, GHANA FROM 30TH SEPTEMBER 6TH OCTOBER, 2023 (Sen. (Prof.) Margaret Kamar, MP)
- ii. 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)
- iii. REPORT OF THE 63RD SESSION OF THE OACPS PARLIAMENTARY
 ASSEMBLY AND 43RD SESSION OF THE ACP-EU JOINT PARLIAMENTARY
 ASSEMBLY MEETINGS IN BRUSSELS, BELGIUM
 (Sen. Kathuri Murungi, MP)

- iv. 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)
- v. <u>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)</u>
- vi. <u>ESTABLISHING OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES</u>
 (Sen. Crystal Asige, MP)

NOTICE PAPER II

Tentative Business for Wednesday, April 24, 2024 (Afternoon Sitting)

(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, April 24, 2024 (Afternoon Sitting).

A. COMMITTEE OF THE WHOLE

- i) *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023) (Sen. Moses Kajwang', MP)
- ii) ***THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022) (Sen. David W. Wafula, MP Co-sponsor)

B. BILLS AT THE SECOND READING STAGE

- i) *THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)
 (Sen. Kathuri Murungi, MP)
- ii) *THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023) (Sen. Esther Anyieni Okenyuri, MP)
- iii) *THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023) (Sen. Edwin Sifuna, MP)
- iv) ***THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022) (The Senate Majority Leader)
- v) ****THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023) (The Senate Majority Leader)
- vi) ***THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)
 (The Senate Majority Leader)
- vii) *THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT)
 BILL (SENATE BILLS NO. 46 OF 2023)
 (Sen. Johnes Mwaruma, MP)

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

C. MOTION

REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF WEST POKOT COUNTY ASSEMBLY FOR THE FINANCIAL YEAR 2018/2019 AND REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF ISIOLO, KIAMBU, KITUI, MARSABIT, NAROK, NYAMIRA, TRANS NZOIA, WEST POKOT AND MURANG'A COUNTY ASSEMBLIES FOR THE FINANCIAL YEAR 2019/2020.

(The Chairperson, County Public Accounts Committee)
