



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, APRIL 17 2024 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
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 STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2024)**
(The Senate Majority Leader)
(First Reading)
9. ******THE ELECTION OFFENCES (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)
(First Reading)
10. ******THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)
(First Reading)
11. ******THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)
(First Reading)

...../Bills

12. ******THE POLITICAL PARTIES (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2024)**

(The Senate Majority Leader and the Senate Minority Leader)

(First Reading)

13. ***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)

14. ******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)

15. ******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)

16. **COMMITTEE OF THE WHOLE**

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

(Sen. Moses Kajwang', MP)

17. **COMMITTEE OF THE WHOLE**

******THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022)**

(Sen. David W. Wafula, MP – Co-sponsor)

18. ***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)

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

(The Senate Majority Leader)

(Second Reading)

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

(Second Reading)

21. ***THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)**
(Sen. Kathuri Murungi, MP)

(Second Reading)

22. ***THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)**
(Sen. Esther Anyieni Okenyuri, MP)

(Second Reading)

23. ***THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)**
(Sen. Edwin Sifuna, MP)

(Second Reading)

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

(Second Reading)

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

(Second Reading)

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

(Second Reading)

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

(Second Reading)

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

(Second Reading)

...../Motion

29. **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)

THAT, the Senate adopts the 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 Murangá County Assemblies for the financial year 2019/2020 laid on the table of the Senate on Thursday, 7th 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**

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

****- Denotes a Committee Bill**

***- Denotes any other Bill**

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NOTICE OF AMENDMENTS

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

(Sen. Moses Kajwang’, MP)

NOTICE is given that the, Chairperson, Standing Committee on Devolution and Intergovernmental Relations intends to move the following amendments to the County Boundaries Bill (Senate Bills No. 6 of 2023), at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “ electronic” appearing immediately after the words “an up- to- date” and substituting therefor the words “digital and manual”;
- (b) in sub-clause (2) by deleting the words “utilise the appropriate technology to ensure” appearing immediately after the words “Cabinet Secretary shall” and substituting therefor the words “ensure appropriate technology is utilized for”.

CLAUSE 5

THAT clause 5 of the Bill be amended in sub-clause (2)(a) by inserting the word “committee” immediately after the words “County Executive”

CLAUSE 7

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

- (a) deleting the words “experience in alternative dispute resolution” appearing at the end of paragraph (a) and substituting therefor the words “post-admission experience and an accredited mediator” ;
- (b) inserting the following new paragraph immediately after paragraph (d)—
 - (da) a commissioner of the National Cohesion and Integration Commission nominated from amongst its membership;

CLAUSE 10

THAT clause 10 of the Bill be amended in the proviso to sub-clause (1) by deleting the words “Physical planning or” appearing immediately after the words “experience in” and substituting therefor the words “ mapping or ”.

CLAUSE 23

THAT clause 23 of the Bill be amended by deleting the word “nominate” appearing immediately after the words “receipt of the petition,” and substituting therefor the word “appoint”.

CLAUSE 24

THAT clause 24 of the Bill be amended in sub-clause (1) by—

- (a) deleting the words “and physical planning” appearing immediately after the words “related to land” and substituting therefor the words “ survey and mapping” in paragraph (d);
- (b) deleting the words “nominated by the Council of County Governors” appearing immediately after the words “the affected counties,” and substituting therefor the words “ each of whom shall be nominated by the Council of Governors and the entity responsible for coordinating the County Assemblies” in paragraph (e).

CLAUSE 25

THAT clause 25 of the Bill be amended in sub-clause (2)(c) by inserting the following new sub- paragraph immediately after sub-paragraph (ii)—
(iii) land survey and physical planning;

CLAUSE 41

THAT clause 41 of the Bill be amended in sub-clause (4)(b)(ii) by deleting the word “commission’s” and substituting therefor the word “ministry’s”.

CLAUSE 42

THAT clause 42 of the Bill be amended—

- (a) by re -numbering the existing sub- clause (6) as sub-clause (2);
- (b) in the re-numbered sub-clause (2) by deleting the words “the specific geographical” appearing immediately after the words “under subsection (1),” and substituting therefor the words “a comprehensive description of boundaries with adequately enlarged scaled map”.

CLAUSE 45

THAT clause 45 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “may” appearing immediately after the word “Cabinet Secretary” and substituting therefor the words “shall within two years of coming into force of this Act”;

- (b) by re- numbering the existing sub- clause (14) as sub- clause (2); and
- (c) by inserting the words “and the Council of County Governors.” immediately after the words “Boundaries Commission” in the re- numbered sub- clause (2).

CLAUSE 2

THAT clause 2 of the Bill be amended—

- (a) by deleting the words “and physical planning” appearing immediately after the words “related to land” and substituting therefor the words “surveying and mapping” in the definition of the word “Cabinet Secretary”;
- (b) by deleting the words “and physical planning” appearing immediately after the words “related to land” and substituting therefor the words “surveying and mapping” in the definition of the term “County executive committee member”;

B. *THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022)**

(Sen. David W. Wafula, MP – Co-sponsor)

NOTICE is given that the, Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Sugar Bill, National Assembly Bills No. 34 of 2022, at the Committee Stage—

CLAUSE 6

THAT Clause 6 of the Bill be amended in–

- (a) subclause (1) by inserting the following new paragraph immediately after paragraph (e) –
 - (ea) one person of the gender that is least represented in the composition of the Board who has knowledge and experience in matters relating to the sugar industry appointed by Cabinet Secretary; and
 - (eb) one person representing persons living with the disabilities or youth appointed by the council of county governors;
- (b) subclause (2) by deleting the expression “and (e)” and substituting therefor the expression “(e), (ea) and (eb)”.

CLAUSE 17

THAT the Bill be amended by inserting the following new heading immediately after clause 17.

PART III –LICENSING AND REGISTRATION

CLAUSE 19

THAT Clause 19 of the Bill be amended by –

- (a) deleting subclause (1) and substituting therefor the following new subclause —
 - (1) A miller shall not purchase sugar crop from, or accept, sugar crop delivered by a grower and a grower shall not sell or deliver sugar crop to a miller, unless the —
 - (a) grower is registered with, and has in force a valid supply agreement with the miller;
 - (b) factory of the miller is situated within the grower’s catchment area;or
 - (c) grower is exempted from the requirement by the Board under section 19A.
- (b) deleting the heading appearing immediately after the subclause (3).

CLAUSE 29

THAT clause 29 of the Bill be amended —

- (a) in subclause (1) by —
 - (i) deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) one person with knowledge of and experience in the operation of sugar industry nominated by the Council of County Governors;
 - (ii) deleting the words “nominated by universities” appearing immediately after the words “one person” in paragraph (e) and substituting therefor the words “representing the universities nominated by the Commission on University Education”;
- (b) by inserting the following new subclause immediately after subclause (1) —
 - (1A) The Cabinet Secretary shall appoint the members under subsection (1), (a), (b)(c) (d) and (e) by notice in the *Gazette*.

CLAUSE 38

THAT clause 38(6) be amended in—

- (a) paragraph (b) by inserting the words “allocated to the Kenya Sugar Research and Training Institute ” immediately after the words “ research and training”; and

- (b) paragraph (d) by deleting the words “and shall be managed by Kenya Rural Road Authority of the catchment area” appearing immediately after the words “development and mantainance” and substituting therefor the words “of county roads and shall be allocated to county governments as a conditional grant on a pro rata basis”.

CLAUSE 43

THAT clause 43 be amended in subclause (2) by inserting the words “and the Senate” immediately after the words “ the National Assembly”.

CLAUSE 59

THAT the Bill be amended by deleting clause 59.

CLAUSE 60

THAT clause 60 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (k) —

(ka) the procedure for election of farmers and millers representatives to the Board and the pricing committee.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 19—

- 19A.** (1) The Board may exempt a commercial cane grower from the restriction on supply of cane within a catchment area, provided that—
- (a) the grower demonstrates that the supply of cane to a miller within the catchment area is detrimental to their commercial interest;
 - (b) the grower is not indebted to any miller or outgrower institution within the catchment area; and
 - (c) no supply agreement exists between the grower and any miller within the catchment area.
- (2) A commercial cane grower who intends to supply cane outside their catchment area shall submit to the Board, an application for exemption in the prescribed form.

(3) The Cabinet Secretary shall prescribe regulations for the consideration of an application for exemption under this section.

19B. A miller may enter into a contract of cane supply with another miller if — Intermiller agreements.

- (a) the millers factory is temporally broken down; or
- (b) there is an over supply of cane to the miller; and
- (c) the mill is located within the same catchment area.

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the definition of the term “sugar catchment area” and substituting therefore the following new definition —

“sugar catchment area” means a geographical area as set out in the First Schedule where —

- (a) growers are clustered for purposes of election to the Board; and
- (b) growers and millers are restricted to deliver and receive cane respectively.

APPENDIX

1. MESSAGE

Message from the National Assembly on the passage, by National Assembly, of the Land (Amendment) Bill (National Assembly Bills No. 40 of 2022).

(The Speaker of the Senate)

2. PETITION

Petition to the Senate by Mr. David Rono Kibuiywo concerning compensation of residents of Elgeyo Marakwet County affected by the construction of Kamwosor - Nyaru road in Keiyo South.

(The Speaker of the Senate)

3. PAPERS

- i.) The Fisheries Management and Development (Beach Management Units) Regulations, Legal Notice No. 49 of 2024.
- ii.) The Fisheries Management and Development (Inland Fisheries) Regulations, Legal Notice No. 50 of 2024.
- iii.) The Fisheries Management and Development (Recreational Fisheries) Regulations, Legal Notice No. 51 of 2024.
- iv.) The Fisheries Management and Development (Fish Levy Trust Fund) Regulations, Legal Notice No. 52 of 2024.
- v.) The Fisheries Management and Development (Marine Fisheries) Regulations, Legal Notice No. 53 of 2024.
- vi.) The Fisheries Management and Development (General) Regulations, Legal Notice No. 54 of 2024.
- vii.) The Fisheries Management and Development (Safety and Quality) Regulations, Legal Notice No. 55 of 2024.
- viii.) The Fisheries Management and Development (Aquaculture) Regulations, Legal Notice No. 56 of 2024.
- ix.) Report of the Auditor General on Financial Statements of Marsabit Water and Sewerage Company Limited for the year ended 30th June, 2019.
- x.) Report of the Auditor General on Financial Statements of Marsabit Water and Sewerage Company Limited for the year ended 30th June, 2020.

- xi.) Report of the Auditor General on Financial Statements of Marsabit Water and Sewerage Company Limited for the year ended 30th June, 2021.
- xii.) Report of the Auditor General on Financial Statements of Marsabit County Enterprise Fund for the year ended 30th June, 2021.
- xiii.) Report of the Auditor General on Financial Statements on Marsabit County Enterprise Fund for the year ended 30th June, 2022.
- xiv.) Report of the Auditor General on Financial Statements of Marsabit Water and Sewerage Company Limited for the year ended 30th June, 2022.
- xv.) Report of the Auditor General on Financial Statements of the County Executive of Marsabit for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of the County Assembly of Marsabit the year ended 30th June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of Marsabit County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- xviii.) Report of the Auditor General on Financial Statements of Marsabit County Emergency Fund for the year ended 30th June, 2023.
- xix.) Report of the Auditor General on Financial Statements of the County Revenue Fund - County Government of Marsabit, for the year ended 30th June, 2023.
- xx.) Report of the Auditor General on Financial Statements of the Receiver of Revenue – County Government of Marsabit, for the year ended 30th June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of Marsabit Water and Sewerage Company Limited for the year ended 30th June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of Marsabit County Education Fund for the year ended 30th June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of the County Government of Marsabit Car Loan Scheme Fund the year ended 30th June, 2023.
- xxiv.) Report of the Auditor General on Financial Statements of Marsabit County Enterprise Fund for the year ended 30th June, 2023.

- xxv.) Report of the Auditor General on Financial Statements of Marsabit County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxvi.) Report of the Auditor General on Financial Statements of Londiani Sub-County Level 4 Hospital for the year ended 30th June, 2022.
- xxvii.) Report of the Auditor General on Financial Statements of Vihiga County Executive Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxviii.) Report of the Auditor General on Financial Statements of Vihiga Municipal Board the year ended 30th June, 2023.
- xxix.) Report of the Auditor General on Financial Statements of Homa Bay County Assembly Car and Mortgage Loan Fund for the year ended 30th June, 2023.
- xxx.) Report of the Auditor General on Financial Statements of Embu County Emergency Fund for the year ended 30th June, 2023.
- xxxi.) Report of the Auditor General on Financial Statements of Ngandori-Nginda Water Consumers Association the year ended 30th June, 2023.
- xxxii.) Report of the Auditor General on Financial Statements of Nithi Water and Sanitation Company Limited for the year ended 30th June, 2023.
- xxxiii.) Report of the Auditor General on Financial Statements of the County Assembly of Kakamega for the year ended 30th June, 2023.
- xxxiv.) Report of the Auditor General on Financial Statements of Siaya County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- xxxv.) Report of the Auditor General on Financial Statements of Kapsabet Nandi Water and Sanitation Company Limited the year ended 30th June, 2023.
- xxxvi.) Report of the Auditor General on Financial Statements of Kisumu Urban Project (Project Advance Account) – CKE 1035.01.G – County Government of Kisumu for the year ended 30th June, 2023.
- xxxvii.) Report of the Auditor General on Financial Statements of Kisumu Urban Project (Cash Expenditure Fund) – CKE 1035.01.G – County Government of Kisumu for the year ended 30th June, 2023.
- xxxviii.) Report of the Auditor General on the Kenya Health Sector Programme Support III (CANIDA REF:104 KENYA 810.300-GRANT) – County Government of Kisii for the year ended 30th June, 2023.

- xxxix.) Report of the Auditor General on Nairobi Sanitation Output Based Aid (OBA) Project IDA Grant No.TF014251 and No.TF0A5607) – Nairobi City Water and Sewerage Company Limited for the year ended 30th June, 2023.

- xl.) Report of the Auditor General on Busia Port Victoria Household Sanitation Project Grant/Credit No.02HS/LVWWDA/Busia/054 – Busia Water and Sewerage Services Company Limited for the year ended 30th June, 2023.

(The Senate Majority Leader)

4. QUESTIONS AND STATEMENTS

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

- i) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a Statement from the Standing Committee on Education regarding the welfare of teachers employed by the Teachers Service Commission (TSC) on fixed term contracts.

- ii) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a Statement from the Standing Committee on Health regarding the on-going strike by medical personnel in the country.

- iii) The Senator for Narok County (Sen. Ledama Olekina, MP) to seek a Statement from the Standing Committee on Finance and Budget concerning the status of Senators’ statutory deductions and remittances.

- iv) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the dumping of nuclear waste in the North-Eastern region of Kenya by multinational oil exploration companies in the 1980s.

- v) Nominated Senator (Sen. Beth Syengo, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the status of construction of the Enziu River bridge.

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

- i.) The Chairperson, Standing Committee on Energy to make a Statement relating to the activities of the Committee for the period, January to March, 2024.

- ii.) The Chairperson, Standing Committee on Finance and Budget to make a Statement relating to the activities of the Committee for the period, January to March, 2024.

- iii.) The Chairperson, Standing Committee on Health to make a Statement relating to the activities of the Committee for the period, January to March, 2024.

NOTICE PAPER

Tentative Business for

Thursday, April 18, 2024

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Thursday, April 18, 2024.

A. BILLS AT THE SECOND READING STAGE

- i) *THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)
(Sen. Omar Mariam Sheikh, MP)
- ii) *THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)
(Sen. Eddy Oketch, MP)
- iii) *THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)
(Sen. Mohamed Abass Sheikh, MP)
- iv) *THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)
Sen. Kathuri Murungi, MP

B. MOTIONS

- i) APPROVAL OF CONDITIONAL GRANT FOR THE CONSTRUCTION OF MOMBASA MUNICIPAL STADIUM
(Sen. Mohamed Mwinyihaji Faki, MP)
 - ii) ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA
(Sen. Johnes Mwaruma, MP)
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