



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

THURSDAY, MAY 16, 2024 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
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(The Senate Majority Leader)
(Second Reading)
***(Resumption of debate interrupted on Wednesday, 15th May, 2024 –
Afternoon Sitting)***
(Division)
9. **COMMITTEE OF THE WHOLE**
*****THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)**
(The Senate Majority Leader)
***(Resumption of debate interrupted on Wednesday, 15th May, 2024 –
Afternoon Sitting)***
(Division)
10. **COMMITTEE OF THE WHOLE**
*****THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)**
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...../Bills

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 9th May, 2024)

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

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

(Second Reading)

(Resumption of debate interrupted on Tuesday, 14th May, 2024)

13. ******THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**

(The Senate Majority Leader)

(Second Reading)

*(Resumption of debate interrupted on Wednesday, 15th May, 2024 –
Afternoon Sitting)*

14. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT)
BILL (SENATE BILLS NO. 49 OF 2023)**

(Sen. Lenku Ole Kanar Seki, MP)

(Second Reading)

15. ****THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**

(The Chairperson, Standing Committee on Energy)

(Second Reading)

16. ***THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS
NO. 53 OF 2023)**

(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

17. ***THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE
BILLS NO. 54 OF 2023)**

(Sen. Eddy Oketch, MP)

(Second Reading)

...../Bills

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

(Sen. Mohamed Abass Sheikh, MP)

(Second Reading)

19. ***THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)**

(Sen. Kathuri Murungi, MP)

(Second Reading)

20. *****THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**

(Sen. Samson Cherarkey, MP – Co- Sponsor)

(Second Reading)

21. **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:

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;

...../Motion

(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, 6th March, 2024 – Morning Sitting – Balance of time 56 minutes)

22. **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.

(Resumption of debate interrupted on Tuesday, 30th April, 2024)

23. **MOTION – ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA**

(Sen. Johnes Mwaruma, MP)

AWARE THAT Article 43 (1) (a) of the Constitution of Kenya provides that every person has the right to the highest attainable standard of health, including reproductive health care;

NOTING THAT in Kenya, we have five National Teaching and Referral hospitals with Kenyatta University Research and Teaching Hospital in Kiambu County and Moi Teaching and Referral Hospital in Eldoret, Uasin Gishu County being the only ones outside Nairobi County;

CONCERNED THAT the bed capacity, medical equipment and human capital in these National Teaching and Referral hospitals are not sufficient to absorb all the patients seeking specialized treatment;

...../Motion

FURTHER CONCERNED THAT many Kenyans with critical health conditions travel long distances in order to access specialized services in Moi Teaching and Referral Hospital in Eldoret or Nairobi where the other four National Teaching and Referral hospitals are located, leading to high cost of travel, augmented disease and in some cases deaths along the way;

NOW THEREFORE the Senate urges-

1. The Ministry of Health to:
 - i. Establish National Teaching and Referral hospitals in the Coast, Eastern, North Eastern, Nyanza and Western regions; and
 - ii. Fully equip the National Teaching and Referral Hospitals with modern medical equipment, medical supplies and personnel; and
2. The County Governments to allocate more funds to their respective health dockets to adequately facilitate their County Level 5 and Level 6 hospitals in order to enhance provision of critical health services to reduce the demand for such services from the National Teaching and Referral Hospitals.

24. **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;

NOW, THEREFORE, the Senate resolves that:

...../Motion

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.

25. **MOTION - COUNTY GOVERNMENTS TO SET ASIDE LAND FOR THE PLANTING OF INDIGENOUS TREES**

(Sen. Richard Onyonka, MP)

THAT, AWARE of the crucial role played by indigenous trees in purification of air and combating of climate change, protection against floods and water pollution, in the field of medicine, nutrition and timber production, among other roles;

APPRECIATING that the National Government, through the National Landscape and Ecosystem Restoration Programme, plans to increase the national forest cover to 30% by planting fifteen (15) billion trees and, in furtherance of the Programme, gazetted 13th November, 2023 as a Public Holiday to allow Kenyans to plant trees;

CONCERNED that the Government is yet to establish elaborate measures for the growing and protecting of indigenous trees and to involve such crucial players as the County Governments, hence impeding the sustainability of the programme;

NOW, THEREFORE, the Senate urges the 47 county Governments to set aside land and resources to be used in the planting and protection of indigenous trees, in support of the initiatives by the National Government.

...../Notice

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

(The Senate Majority Leader)

i. NOTICE is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage—

CLAUSE 5

THAT clause 5 of the Bill is amended by inserting the following new paragraphs immediately after paragraph (e)—

- (ea) develop and implement county legislation on betting and other forms of gambling;
- (eb) license prize competitions within a county;
- (ec) license amusement machines;
- (ed) issue trade permits for betting premises;
- (ee) license and issue pool table permits within the county;
- (ef) license and supervise county lotteries;
- (eg) issue trade permits for premises for totalisators;

CLAUSE 7

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

- (a) deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) three persons, not being public officers, appointed by the Cabinet Secretary, being persons with a background in finance, law, betting and lotteries or business management, provided that—
 - (i). one shall represent persons with disabilities;
 - (ii). one shall represent the youth; and
 - (iii). one shall represent faith based organisations;
- (b) deleting paragraph (e) and substituting therefor the following new paragraph—
 - (e) three persons nominated by the Council of Governors and appointed by the Cabinet Secretary; and
- (c) deleting paragraph (f)

CLAUSE 10

THAT clause 10 of the Bill be amended—

- (a) by deleting paragraph (c);
- (b) in paragraph (f) by inserting the words “in consultation with county governments” immediately after the word “maintain” and
- (c) in paragraph (g) by inserting the words “beneficial owners” immediately after the word “directors” .

CLAUSE 66

THAT clause 66 of the Bill be amended by deleting the words “shall ensure that its” appearing immediately after the word “Authority” and substituting therefor the words “and county governments shall ensure that their”.

CLAUSE 87

THAT clause 87 (2) of the Bill be amended in paragraph (e) by deleting the word “six” appearing immediately after the words “ radio between” and substituting therefor the word “five”.

CLAUSE 119

THAT clause 119 (2) be amended by deleting-

- (a) paragraph (d); and
- (b) paragraph (g).

CLAUSE 123

THAT clause 123 of the Bill be amended by renumbering the current provision as sub clause (1) and inserting therefor the following new sub clauses immediately after the new clause (1)—

Cap 269 (2) The Kenya Revenue Authority Act, is amended in Part II of the First Schedule, by deleting paragraph 7 and substituting therefor the following new paragraph—

7. The Gambling Control Act.

No. 20 of 2023 (3) The National Lottery Act, is amended by inserting the following new clause immediately after clause 52—

Regulations 53. (1) The Cabinet Secretary may in consultation with the Board, make regulations generally for the better carrying into effect of any provisions under this Act.

(2) Without prejudice to the foregoing, regulations made under this section may provide for—

- (a) the procedure to be followed by the Board in exercising any powers conferred upon it by this Act;
- (b) the conduct of a national lottery;
- (c) apportionment of the proceeds of the national lottery;
- (d) procedure for the sale of tickets, prizes of tickets and payment of prizes;
- (e) announcement and protection of winners of the national lottery;
- (f) the circumstances under which the national lottery may be advertised; and
- (g) the places where, circumstances or manner in which signs relating to a national lottery may be displayed.

NEW CLAUSE 117A

THAT the Bill be amended by inserting the following new clause immediately after clause 117—

Operating hours	117A. A licensed betting, gambling, lottery or gaming premise shall operate between ten o’ clock in the evening and five o’ clock in the morning.
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ii. **NOTICE** is given that the Senator for Nairobi City County (Sen. Edwin Sifuna, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage.

CLAUSE 69

THAT Bill be amended by deleting clause 69 and substituting therefor the following new clause—

Online gambling transaction.	69. An online gambling transaction shall commence when a player deposits money into his or her gaming account and shall conclude when a player withdraws money from his or her gaming account.
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iii. **NOTICE** is given that the Senator for Nandi County (Sen. Samson Cherarkey, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage -

CLAUSE 28

THAT clause 28 of the Bill be amended—

- (a) in subclause (2) by deleting paragraphs (o), (p) and (q); and
- (b) by deleting subclause (4).

CLAUSE 31

THAT clause 31 of the Bill be amended in subclause (3) by deleting the word “twelve” appearing immediately after the words “a period of” and substituting therefor the word “thirty six”.

CLAUSE 64

THAT clause 64 of the Bill be amended in subclause (5) by deleting the word “twenty shillings” appearing at the end of the subclause and substituting therefor the words “one shilling”.

CLAUSE 71

THAT clause 71 of the Bill be amended in subclause (3) by deleting the words “five million” appearing immediately after the words “not less than” and substituting therefor the words “fifty thousand”.

THIRD SCHEDULE

THAT the Third Schedule of the Bill be amended in—

- (a) paragraph (b) by deleting the amount “200, 000, 000” and substituting therefor the amount “20,000, 000”; and
- (b) paragraph (c) by deleting the amount “200, 000, 000” and substituting therefor the amount “20,000, 000”.

iv. NOTICE is given that the Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023) at the Committee Stage—

CLAUSE 10

THAT clause 10 of the Bill be amended by inserting the following new paragraph immediately after paragraph (n)—

- (na) in collaborate with the Kenya Revenue Authority, established under section 3 of the Kenya Revenue Authority Act, establish a monitoring system for tax compliance under this Act.

CLAUSE 87

THAT clause 87 of the Bill be amended—

- (a) in subclause (2) by deleting paragraph (e); and
- (b) by deleting subclause (4) and substituting therefor the following new subclause—

(4) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

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

(The Senate Majority Leader)

- i) NOTICE** is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023) —

CLAUSE 3

THAT clause 3 of the Bill be amended in subclause (1) deleting paragraph (c) and substituting therefor the following new paragraph –

- (c) enhance public confidence in the integrity of public office and delivery of public services.

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (1) by deleting the words “interest of the officer or the interests” appearing immediately after the word “to further the” and substituting therefor the words “private interest of the officer or”.

CLAUSE 15

THAT clause 15 of the Bill be amended in subclause (1)(b) by deleting the word “offer” appearing immediately after the words “reporting authority any” and substituting therefor the word “acceptance”.

CLAUSE 19

THAT clause 19 of the Bill be amended –

- (a) in subclause (1) by deleting the words “or beneficiary of” appearing immediately after the words “be a party to”; and
- (b) in subclause (2) by deleting the words “or beneficiary of” appearing immediately after the words “be a party to”.

CLAUSE 27

THAT clause 27 of the Bill be amended in subclause (1) by deleting paragraph (a) and substituting therefor the following new paragraph –

- (a) act for or on behalf of any person in connection with any specific proceeding, transaction, negotiation or case in which a reporting authority is a party and with respect to which the former public officer had acted for, or provided advice to the reporting authority;

CLAUSE 29

THAT clause 29 of the Bill be amended by inserting the following new subclause immediately after subclause (2) –

(3) The provisions of this section and sections 27 and 28, shall not apply to a former public officer representing another person in any proceedings before a court of law or tribunal established by law including as a witness.

CLAUSE 34

THAT clause 34 of the Bill be amended in subsection (2) by deleting the words “after due process” appearing immediately after the words “agency shall” and substituting therefor the words “subject to the right to privacy as provided for under the Constitution and pursuant to a court order or the Access to Information Act”.

CLAUSE 41

THAT clause 41 of the Bill be amended by inserting the following new clause immediately after subclause (2) –

(3) If the Commission or a reporting entity fails to conclude the investigations within ninety days, the investigations shall be deemed to have been concluded at the expiry of the ninety days and the officer shall resume his or her duties.

CLAUSE 42

THAT clause 42 of the Bill be amended in subsection (1) by inserting the words “or a reporting authority” immediately after the words “the Commission”.

ii) **NOTICE** is given that the Senator for Narok County (Sen. Ledama Olekina, MP) intends to move the following amendments to the Conflict of Interest Bill (National Assembly Bills No. 12) of 2023 —

CLAUSE 5

THAT clause 5 of the Bill be amended by –

- (a) renumbering the existing clause as subclause (1);
- (b) deleting the words “and the Ethics and Anti-Corruption Commission” appearing immediately after the words “reporting authorities”; and
- (c) inserting the following new subclause immediately after the existing subclause –
 - (2) A reporting authority shall, for the purpose of subsection (1), –
 - (a) oversee the management of conflict of interest for all public officers it is responsible for;
 - (b) promote best practices for the management of conflict of interest; and
 - (c) conduct public awareness on the management of conflict of interest.

CLAUSE 6

THAT the Bill be amended by deleting clause 6.

CLAUSE 7

THAT clause 7 of the Bill be amended –

- (a) in the marginal note by deleting the words “the Commission” appearing immediately after the words “powers of” and substituting therefor the words “a reporting entity”;
- (b) by deleting the words “The Commission” appearing at the beginning of the introductory clause and substituting therefor the words “A reporting entity”; and
- (c) by deleting paragraph (c); and
- (d) by deleting paragraph (d) and substituting therefor the following new paragraph –
 - (d) co-operate and collaborate with other public entities or agencies in the management of conflict of interest and enforcement of this Act.

CLAUSE 11

THAT the Bill be amended by deleting clause 11.

CLAUSE 19

THAT clause 19 of the Bill be amended by inserting the following subclause immediately after subclause (2) –

(2A) Despite subsection (2), a public officer may be a party to a contract for the disposal of goods in relation to a computer, a telephone or any other device capable of storing personal information and the computer, telephone or the device was for the exclusive use of the officer.

CLAUSE 20

THAT the Bill be amended by deleting clause 20.

CLAUSE 23

THAT the Bill be amended by deleting clause 23.

CLAUSE 24

THAT clause 24 of the Bill be amended in subclause (2) by deleting paragraph (a).

CLAUSE 27

THAT the Bill be amended by deleting clause 27.

CLAUSE 28

THAT the Bill be amended by deleting clause 28.

CLAUSE 29

THAT the Bill be amended by deleting clause 29.

CLAUSE 30

THAT clause 30 of the Bill be amended –

- (a) by deleting the heading to Part IV appearing immediately before the clause;
- (b) in subclause (1) by deleting the words “decision, debate or vote” appearing immediately after the words “from any discussion” and substituting therefor the words “or decision”; and
- (c) by deleting subclause (2) and substituting therefor the following new subclause –

(2) Where a public officer recuses himself under subsection (1), the recusal shall be recorded in the minutes of the transaction in question.

CLAUSE 31

THAT the Bill be amended by deleting clause 31.

CLAUSE 31A

THAT the Bill be amended by deleting clause 31A.

CLAUSE 31B

THAT the Bill be amended by deleting clause 31B.

CLAUSE 32

THAT the Bill be amended by deleting clause 32.

CLAUSE 33

THAT the Bill be amended by deleting clause 33.

CLAUSE 34

THAT the Bill be amended by deleting clause 34.

CLAUSE 35

THAT the Bill be amended by deleting clause 35.

CLAUSE 36

THAT the Bill be amended by deleting clause 36.

CLAUSE 37

THAT the Bill be amended by deleting clause 37.

CLAUSE 38

THAT the Bill be amended by deleting clause 38.

CLAUSE 39

THAT clause 39 of the Bill be amended –

- (a) in subclause (1) by deleting the words “or the Commission” appearing immediately after the words “reporting authority”;

- (b) in subclause (2) by deleting the words “or the Commission” appearing immediately after the words “reporting authority”;
- (c) in subclause (2A) by deleting the words “and the Commission” appearing immediately after the words “reporting authority”; and
- (d) in subclause (3) by deleting the words “or the Commission” appearing immediately after the words “reporting authority”.

CLAUSE 40

THAT clause 40 of the Bill be amended –

- (a) in subclause (1) by deleting the expression “section 48, the Commission or” appearing immediately after the word “despite” and substituting therefor the expression “section 39”; and
- (b) by deleting subclause (2) and substituting therefor the following new subclause –
 - (2) If the reporting authority declines to commence an investigation, the reporting authority shall inform the person who lodged the complaint and give reasons for the decision.

CLAUSE 42

THAT clause 42 of the Bill be amended –

- (a) by deleting the marginal note and substituting therefor the following new marginal note –
 - Decision of a reporting authority
- (b) in subclause (1) by –
 - (i) deleting the words “The Commission” appearing at the beginning of the introductory clause and substituting therefor the words “A reporting authority”;
 - (ii) deleting the words “recommend to a public entity to” appearing at the beginning of paragraph (a);
 - (iii) deleting the words “public entity, appointing authority or the” appearing immediately after the words “recommend to a” paragraph (b); and
- (c) by deleting subclause (2).

CLAUSE 44

THAT clause 44 of the Bill be amended by deleting the introductory clause and substituting therefor the following new clause –

44. A reporting authority or any other person acting on their behalf shall not, unless required by law, disclose any information that comes to their knowledge in the performance of their duties under this Act, unless the disclosure is in the opinion of the reporting authority or that other person –

CLAUSE 46

THAT the Bill be amended by deleting clause 46 and substituting therefor the following new clause –

46. No criminal or civil proceedings shall lie against a reporting entity or any person acting on its behalf for anything done, reported or said in good faith in the exercise of any power or the performance of any function under this Act.

CLAUSE 47

THAT the Bill be amended by deleting clause 47.

CLAUSE 49

THAT the Bill be amended by deleting clause 49.

CLAUSE 50

THAT clause 50 of the Bill be amended by deleting subclause (1).

CLAUSE 51

THAT the Bill be amended by deleting clause 51 and substituting therefor the following new clause –

51. The Anti-Corruption and Economic Crimes Act, the Public Officer Ethics Act and the Leadership and Integrity Act are amended in the manner specified in the Second Schedule.

FIRST SCHEDULE

THAT the Bill be amended by deleting the First Schedule.

SECOND SCHEDULE

THAT the Bill be amended by deleting the Second Schedule.

THIRD SCHEDULE

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

**THIRD SCHEDULE
CONSEQUENTIAL AMENDMENTS**

Written Law	Provision	Amendment
The Anti-Corruption and Economic Crimes Act, Cap 65.	Section 42	Delete
The Public Officer Ethics Act, Cap 185B.	Section 2	Delete the definition of the word “public officer” and substitute therefor the following new definition – “public officer” has the meaning assigned to it under Article 260 of the Constitution;
	Section 3	Delete and substitute therefor the following new section – Determination of what body is the responsible Commission for a public officer for the purposes of this Act. Commission. (2) The committee of the National Assembly responsible for the ethics of members is the responsible Commission for— (a) the Cabinet; (b) members of the National Assembly; (c) the Director of Public Prosecutions; (d) the secretary to the Cabinet; (e) members of the Judicial Service Commission; (f) members of commissions and independent offices specified under Chapter Fifteen of the Constitution; and (g) members of the Ethics and Anti-Corruption Commission and staff of the Commission holding the rank of Deputy Director and above.

(3) The committee of the Senate responsible for the ethics of members is the responsible Commission for senators.

(4) The committee of a county assembly responsible for the ethics of members is the responsible Commission for —

- (a) its respective county executive committee;
- (b) members of the county assembly; and
- (c) members and the secretary of its respective County Public Service Board.

(5) The Public Service Commission is the responsible Commission for —

- (a) principal secretaries;
- (b) high commissioners, ambassadors and diplomatic and consular representatives;
- (c) public officers in respect of which it exercises appointive and disciplinary control including advisors and personal staff; and
- (d) public officers who are officers, employees or members of state corporations that are public bodies.

(6) A County Public Service Board is the responsible Commission for —

- (a) public officers in respect of which it exercises appointive and disciplinary control, including advisors and personal staff; and
- (b) public officers who are officers, employees or members of state corporations that are public bodies.

(7) The Judicial Service Commission is the responsible Commission for judges, magistrates and the public officers in respect of which it exercises disciplinary control.

(8) The Parliamentary Service Commission is the responsible Commission for the public officers in respect of which it exercises disciplinary control.

Cap. 212. (9) A county Assembly Service Board is the responsible Commission for the public officers in respect of which it exercises disciplinary control.

(10) The Teachers Service Commission established under the Teachers Service Commission Act is the responsible Commission for teachers registered under that Act.

Cap. 206. (11) The Defence Council established under Article 241(5) of the Constitution is the responsible Commission for members of the armed forces.

(12) The National Intelligence Service Council established under the National Intelligence Service Act is the responsible Commission for members of the National Intelligence Service established under that Act.

Cap. 79. (13) The National Police Service Commission is the responsible Commission for members of the National Police Service.

(14) The Witness Protection Advisory Board established under the Witness Protection Act is the responsible commission for the members of the Witness Protection Agency established under that Act.

(15) The responsible Commission for a public officer for which no responsible Commission is otherwise specified under this section is the commission, committee or other body prescribed by regulation.

(16) A body that is the responsible Commission for a public officer by virtue of exercising disciplinary control over that public officer remains the responsible Commission notwithstanding the delegation of any disciplinary powers with respect to that public officer.

Section 12 Delete

Section 38 Delete and substitute therefor the following new section –
Referral **38.** A responsible Commission for appropriate Action. may, pursuant to an investigation conducted under this Act, refer a matter to any other relevant public body to take appropriate action.

The Leadership and Integrity Act, Cap 185C. Section 2(2) Delete.

Section 2(2) Delete

Section 6(3) Delete

Section 6(4) Delete

Section 13(1)(a) Delete and substitute therefor the following new paragraph –

(a) demonstrate honesty in the conduct of public affairs.

Section 14 Delete

Section 16 Delete

Section 17 Delete

Section 18 Delete

Section 23 Delete

Section 28 Delete

Section 52 Delete and substitute therefor the following new section -

52. Pursuant to Article 80(c) of the Constitution, the provisions of Chapter Six of the Constitution and this Act shall apply to all public officers as if they were State officers.

CLAUSE 2

THAT clause 2 of the Bill be amended –

- (a) in the definition of the word “conflict of interest” by inserting the words “a discernible” immediately after the words “public official has”;
- (b) by deleting the following definition of the word “Commission”;
- (c) by deleting the definition of the word “complementary treatment”;
- (d) by deleting the definition of the word “gainful employment”;
- (e) by deleting the definition of the word “registrable interest”;
- (f) by deleting the definition of the word “responsible Commission”;
- (g) by deleting the definition of the word “significant official dealing”; and
- (h) deleting the definition of the word “unexplained assets”.

APPENDIX

1. PAPERS

- i.) Report of the Auditor General on Financial Statements of Tana Water and Sanitation Company Limited for the year ended 30th June, 2023.
- ii.) Report of the Auditor General on Financial Statements of Mombasa Water Supply and Sanitation Company Limited for the year ended 30th June, 2023.
- iii.) Report of the Auditor General on Financial Statements of Rukanga Water and Sanitation Company Limited for the year ended 30th June, 2023.
- iv.) Report of the Auditor General on Financial Statements of Gatamathi Water and Sanitation Company Limited for the year ended 30th June, 2023.
- v.) Report of the Auditor General on Financial Statements of Murang'a Water and Sanitation Company Limited for the year ended 30th June, 2023.
- vi.) Report of the Auditor General on Financial Statements of Kilifi Mariakani Water and Sewerage Company Limited for the year ended 30th June, 2023.
- vii.) Report of the Auditor General on Financial Statements of Malindi Water and Sewerage Company Limited for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statements of Karuri Municipality for the year ended 30th June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Thika Water and Sewerage Company Limited for the year ended 30th June, 2023.
- x.) Report of the Auditor General on Financial Statements of Githunguri Water and Sanitation Company Limited for the year ended 30th June, 2023.

(The Senate Majority Leader)

- xi.) Report of the Standing Committee on Finance and Budget on its consideration of the Public Finance Management (Amendment) Bill (Senate Bills No. 40 of 2023)

(The Chairperson, Standing Committee on Finance and Budget)

...../Appendix

2. QUESTIONS AND STATEMENTS**STATEMENTS****a) Pursuant to Standing Order 52 (1)**

Nominated Senator (Sen. Hamida Kibwana, MP) to make a Statement on the appointment of Major General Fatuma Ahmed as the first female Kenya Airforce Service Commander and Major General.

b) Pursuant to Standing Order 53(1)

- i) Nominated Senator (Sen. Veronica Maina, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding landslides in Kigumo Constituency in Murangá County.
- ii) Nominated Senator (Sen. Beatrice Ogola, MP) to seek a Statement from the Standing Committee on Information, Communication and Technology regarding the implementation of the digital literacy programme (DLP) by the Ministry of Information, Communications and the Digital Economy.
- iii) Nominated Senator (Sen. Karen Nyamu, MP) to seek a Statement from the Standing Committee on Roads and Transportation concerning the improvement of road infrastructure and enhancement of road safety in the country.
- iv) Nominated Senator (Sen. Crystal Asige, MP) to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the Strategic Trade and Investment Partnership (STIP) between the United States of America and Kenya.
- v) The Senator for Mombasa County (Sen. Mwinyihaji Mohamed Faki, MP) to seek a Statement from the Standing Committee on Education concerning the decline in performance at the Shimo La Tewa High School in Mombasa County.
- vi) Nominated Senator (Sen. Tabitha Mutinda, MP) to seek a Statement from the Standing Committee on Education regarding financial support to needy and vulnerable students enrolled in institutions of higher learning.
- vii) Nominated Senator (Sen. Miraj Abdillahi, MP) to seek a Statement from the Standing Committee on Education regarding the management of funds at the Shimo La Tewa High School in Mombasa County.

c) Pursuant to Standing Order 57(1)

The Senate Majority Leader to issue a Statement on the business of the Senate for the week commencing Tuesday, 21st May, 2024.

NOTICE PAPER

Tentative Business for Tuesday, May 21, 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, May 21, 2024.

A. BILLS AT THE SECOND READING STAGE

- i) **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)
(The Chairperson, Standing Committee on Labour and Social Welfare)
- ii) *THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)
(Sen. James Murango, MP)
- iii) *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)
- iv) *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)
(Sen. James Murango, MP)
- v) *THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)
(Sen. Karungo Thang’wa, MP)
- vi) *THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)
(Sen. Mohamed Chute, MP)
- vii) *THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)
(Sen. Kathuri Murungi, MP)
- viii) *THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)
(Sen. Esther Anyieni Okenyuri, MP)
- ix) *THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)
(Sen. Edwin Sifuna, MP)

B. MOTIONS

- i) 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)

- ii) 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)

- iii) 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)
