



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**SUPPLEMENTARY ORDER PAPER**

**MORNING SITTING**

**WEDNESDAY, MAY 29, 2024 AT 9.30 AM**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **\*\*\*THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2024)**  
(The Senate Majority Leader)

*(Second Reading)*

9. **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, 28<sup>th</sup> March, 2024.

***(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> May, 2024 –  
Afternoon Sitting)***

...../Motions

10. **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, 7<sup>th</sup> March, 2024.

*(Resumption of debate interrupted on Tuesday, 30<sup>th</sup> April, 2024)*

11. **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:

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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, 6<sup>th</sup> March, 2024 – Morning Sitting – Balance of time 56 minutes)*

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

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

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

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

(Sen. Catherine Mumma, MP)

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

14. **MOTION - REPORT OF THE 63<sup>RD</sup> SESSION OF THE OACPS PARLIAMENTARY ASSEMBLY AND THE 43<sup>RD</sup> SESSION OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY MEETINGS HELD IN BRUSSELS, BELGIUM**

(Sen. Kathuri Murungi, MP)

**THAT**, the Senate notes the Report of the 63<sup>rd</sup> Session of the OACPS Parliamentary Assembly and 43<sup>rd</sup> Session of the ACP-EU Joint Parliamentary Assembly Meetings in Brussels, Belgium laid on the table of Senate on Wednesday, 6<sup>th</sup> December, 2023.

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15. **MOTION - REPORT OF THE 9<sup>TH</sup> INTER-PARLIAMENTARY UNION (IPU) GLOBAL CONFERENCE OF YOUNG PARLIAMENTARIANS HELD IN HANOI, VIETNAM FROM 15<sup>TH</sup> TO 17<sup>TH</sup> SEPTEMBER, 2023**  
(Sen. John Methu, MP)

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

16. **MOTION - REPORT OF THE KENYA DELEGATION TO THE EXTRAORDINARY SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT (PAP) HELD AT THE GALLAGHER CONVENTION CENTRE, MIDRAND, SOUTH AFRICA, FROM 20<sup>TH</sup> TO 27<sup>TH</sup> MARCH, 2024**  
(Sen. Danson Mungatana, MP)

**THAT**, the Senate notes the Report of the Kenya Delegation to the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP) held at the Gallagher Convention Centre, Midrand, South Africa, from 20<sup>th</sup> to 27<sup>th</sup> March, 2024, laid on the Table of the Senate on Wednesday, 24<sup>th</sup> April, 2024.

17. **MOTION - ESTABLISHMENT OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES**  
(Sen. Crystal Asige, MP)

**THAT, AWARE THAT** Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

**NOTING THAT** the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions, which if uncontrolled, will result to negative impact of climate change with adverse effect to millions of Kenyans;

**CONCERNED THAT** the number of private vehicles has significantly grown, leading to increased road accidents, carbon emission and vehicle congestion, costs of which are in excess of Kshs. 100 billion in GDP per year;

**NOW THEREFORE** the Senate urges the Ministry of Roads and Transport, Ministry of Environment, Climate Change and Forestry, in collaboration with the Council of Governors and the National Climate Change Council to –

- i.) identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas across the country;
- ii.) Identify and develop County car-free zones, also known as “pedestrians’ precincts”, in urbanized areas, where its infrastructure and activities are restricted to pedestrians alone;

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- iii.) provide affordable, safe and universally designed public transport access to and around these car-free zones, including, but not limited to, development of Bus Rapid Transport (BRT) in the urban areas;
- iv.) Design inclusive mobility infrastructure that supports non – motorized transport facilities, such as pedestrian spaces, bicycle lanes and green spaces, within the Central Business District of every County; and
- v.) ensure inter-modal connectivity among the various transport modes.

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**NOTICE**

The Senate resolved on 14<sup>th</sup> 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. PAPERS**

- i) Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No. 14 of 2024).

*(The Co-Chairperson, Mediation Committee)*

- ii) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024).

*(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)*

**2. NOTICES OF MOTION**

- i) **CONSIDERATION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 14 OF 2024)**

(The Co-Chairperson, Mediation Committee)

**THAT**, the Senate adopts the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No. 14 of 2024), laid on the table of the Senate on Wednesday, 29<sup>th</sup> May, 2024, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

- ii) **ADDRESSING THE CHALLENGE OF POWER PURCHASE AGREEMENT RENEWALS AND ELECTRICITY SUPPLY IN KENYA**

(Sen. Wahome Wamatinga, MP)

**THAT, AWARE THAT** on 29<sup>th</sup> March 2021, a presidential taskforce was formed to review power purchase agreements between the Government and Independent Power Producers, during which a moratorium was imposed on Kenya Power and Lighting Company (KPLC), preventing KPLC from signing new agreements or renewing existing ones with Independent Power Producers, which moratorium was lifted by the Cabinet in March 2023;

**FURTHER AWARE THAT** the National Assembly, vide a Motion adopted on 19<sup>th</sup> April, 2023 placed a moratorium, restricting KPLC from signing and renewing power purchase agreements (PPAs) with Independent Power Producers (IPPs) pending a report of inquiry by the Departmental Committee on Energy and the consequent House resolution on the report;

**CONCERNED THAT** Kenya imports 17% of its electricity from neighboring countries and faces a challenge as the growing demand for electricity is conflicted with the lengthy process of developing power plants, which usually takes 6-10 years from conception to generation, leading to electricity shortage and load shedding which impedes economic growth;

**COGNIZANT** of the Senate resolution of 28th February, 2024 on a Motion by the Standing Committee on Energy on inquiry into the high cost of electricity in the country calling upon the Ministry of Energy to, among others, create a one stop IPP office that comprises all the stakeholders required for approval of power plants and that the Ministry, through KPLC and Independent Power Producers renegotiate the current power purchase agreements within 12 months of adoption of the report;

**NOW THEREFORE** notwithstanding the resolution of the National Assembly that imposed a moratorium on Kenya Power whose timeline has lapsed, the Senate, in order to cushion Kenyans from the high cost of electricity, resolves:

- i. that the Ministry of Energy and Petroleum and Kenya Power and Lighting Company be allowed to enter into new power purchase agreements or renew existing power purchase agreements with Independent Power Producers; and
- ii. that the Energy and Petroleum Regulatory Authority (EPRA) fast tracks the acquisition of necessary licenses required by Independent Power Producers with valid power purchase agreements for setting up power plants.

### **3. QUESTIONS AND STATEMENTS**

**Question No. 037      The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, CBS, MP) to ask the Prime Cabinet Secretary and the Cabinet Secretary for Foreign and Diaspora Affairs:**

- a) Could the Cabinet Secretary disclose the number and identities of all Kenyans currently working in the Gulf States?
- b) How many Kenyans have lost their lives while working in the Gulf States from 2022 to date?
- c) What support does the Government provide to families of Kenyans who die while overseas, and could the Cabinet Secretary explain any actions being taken by the Government to facilitate the repatriation of the body of MS Mildred Busolo Lianza (deceased) from Saudi Arabia to Malinya village in Kakamega County?

**Question No. 040      The Senator for Kisumu County (Sen. (Prof) Tom Ojienda, SC, MP) to ask the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs:**

- a) Could the Cabinet Secretary outline the obligations of the Government to Kenyans in the diaspora who face arrest, detention and deportation, and highlight any diplomatic agreements entered into with other countries on the applicable protocols?
- b) What protocols has the Government established for re-admitting deportees into the country, and could the Cabinet Secretary provide a list of Kenyans deported back to the country since 2010, stating reasons for each case where a deportee was refused admission?
- c) How does the Ministry of Foreign and Diaspora Affairs handle complaints and reports of human rights violations against Kenyans in the diaspora before, in the course of and after detention and deportation, and could the Cabinet Secretary disclose the number of Kenyans who have died in detention, and also provide details of all court cases initiated by Kenyans regarding such violations?
- d) What measures has the Government put in place to safeguard dependants and property left behind by deportees, and could the Cabinet Secretary also explain the initiatives taken by the Government to facilitate the reintegration process for the deportees?

**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. 060**      **Nominated Senator (Sen. Catherine Mumma, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning:**

- a) What was the allocation for development expenditure in the National Government budget for the Financial Year 2022/2023, and could the Cabinet Secretary indicate the percentage of the expenditure that was financed by Government's ordinary revenue, loans and grants from development partners?
- b) How much of the development expenditure was spent on pending bills for projects commenced and/ or completed in preceding financial years, and could the Cabinet Secretary provide a list of these projects along with their corresponding amounts?
- c) Could the Cabinet Secretary provide a list of all development projects undertaken by the National Government in the said financial year, specifying their names, sectors, locations, corresponding expenditure, completion dates and indicate whether each project was initiated in the said financial year or preceding financial years?
- d) Could the Cabinet Secretary provide details on all conditional grants by the National Government to the counties in the said financial year, including the project names and the corresponding amounts, beneficiary counties and any funding partners involved?
- e) Were there any additional development funding or aid from development partners in the said financial year and, if so, could the Cabinet Secretary specify the amount and the projects funded along with their respective locations?

**Question No. 057      The Senator for Kisumu County [Sen. (Prof.) Tom Ojienda, SC, MP] to ask the Cabinet Secretary for Environment, Climate Change and Forestry:**

- a) Could the Cabinet Secretary elaborate on the climate change initiatives put in place both nationally and in each county, considering the diverse topography and unique environmental and climate change needs of each county?
- b) What expertise was engaged and what criteria was applied in developing the national climate change initiatives and tailoring them to the specific needs of each county?
- c) Could the Cabinet Secretary explain the measures put in place to enhance the capacity of each county government to implement the climate change initiatives in their respective counties, including the technical expertise of county governments to address environmental and climate change concerns, as well as the allocation of budgetary resources to each county within the designated timelines for these initiatives?
- d) Could the Cabinet Secretary provide progress reports on the implementation of the climate change initiatives in each county?

**Question No. 072      The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Environment, Climate Change and Forestry:**

- a) Could the Cabinet Secretary explain the measures the Ministry has put in place to mitigate the continued release of effluent and other pollutants from Embu County into River Rupingazi, River Thiba and other rivers in Kirinyaga County, leading to damage and loss of the marine biodiversity?
- b) What steps is the Ministry taking to assess the extent of damage caused by chemicals discharged into the rivers, considering the huge and negative impact on people's health?
- c) What steps has the Ministry taken to eradicate or control the causes of rising pollution levels in rivers within Kirinyaga County to guarantee the safety of water consumed by residents?

## **NOTICE PAPER**

### **Tentative Business for Wednesday, May 29, 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, May 29, 2024 (Afternoon Sitting).

#### **A. BILL AT THE FIRST READING STAGE**

\*THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 17 OF 2024)

(Sen. Crystal Asige, MP)

#### **B. BILLS AT COMMITTEE OF THE WHOLE STAGE**

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

(The Senate Majority Leader)

ii) \*THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)

(Sen. Wakili Hillary Sigei, MP)

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

iv) \*\*\*THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)

(The Senate Majority Leader)

#### **C. BILLS AT THE SECOND READING STAGE**

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

(Sen. Hamida Ali Kibwana, MP)

ii) \*THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)

(Sen. Johnes Mwaruma, MP)

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

(Sen. Lenku Ole Kanar Seki, MP)

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

(The Chairperson, Standing Committee on Energy)

...../Notice Paper

- v) \*THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)  
(Sen. Mariam Sheikh Omar, MP)
- vi) \*THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)  
(Sen. Eddy Oketch, MP)

**D. MOTIONS**

- i) CONSIDERATION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 14 OF 2024)  
(The Co-Chairperson, Mediation Committee)
- 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)