



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

MORNING SITTING

WEDNESDAY, APRIL 24, 2024 AT 9.30 AM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. **HOJA - KUIDHINISHWA KWA RUZUKU YA MASHARTI KWA UJENZI WA UWANJA WA MANISPAA YA MOMBASA**
(Seneta Mohamed Mwinyihaji Faki, Mbunge)

KUFAHAMU KWAMBA Sehemu ya 2 ya Ratiba ya Nne ya Katiba ya Kenya inazipa Serikali za Kaunti jukumu la kuendeleza, kuanzisha, kusimamia na kudumisha vifaa vya michezo na kitamaduni ambavyo ni pamoja na viwanja, viwanja vya michezo, vituo vya kitamaduni, na miundombinu mingine inayohusiana;

IKIKUMBUKWA KUWA ukanda mzima wa Pwani Nchini hauna uwanja wa kisasa uliojengwa kwa viwango vya kimataifa, hivyo kuwanyima wananchi manufaa yanayotokana na viwanja na vifaa vya michezo;

WASIWASI kwamba ujenzi wa uwanja wa michezo wa Manispaa ya Mombasa umekumbwa na ucheleweshaji na vikwazo tangu kuanzishwa kwa mradi huo mwaka wa 2019 kutokana na matatizo ya kifedha, ambayo yameathiri utekelezaji wa mradi na kunyima jamii eneo hilo uwanja unohitajika sana;

...../Motion

KWA HIVYO SASA Bunge la Seneti linaazimia kwamba Hazina ya Kitaifa na Wizara ya Masuala ya Vijana, Uchumi Ubunifu na Michezo itengee Serikali ya Kaunti ya Mombasa ruzuku ya masharti ya Shilingi bilioni 1.7 kwa ajili ya kukamilisha ujenzi wa Uwanja wa Manispaa ya Mombasa.

*(Mjadala uliokatizwa Jumane, 23 Aprili, 2024 kuendelezwa –
Muda uliosalia – Lisaa limoja na dakika hamsini na tisa)*

9. **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;
 - 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;

...../Motion

- 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)

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

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

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

11. **MOTION - 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)

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

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

(Sen. Roba Ali Ibrahim, MP)

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

...../Motion

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

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

- 14. **MOTION - ESTABLISHING 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;
- 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.

...../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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APPENDIX

QUESTIONS AND STATEMENTS

QUESTIONS

Question No. 025 The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Gender, Culture, the Arts and Heritage: -

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

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?

NOTICE PAPER

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. BILLS AT THE COMMITTEE OF THE WHOLE STAGE

- 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)
- iii) ***THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)
(The Senate Majority Leader)

B. BILLS AT THE SECOND READING STAGE

- i) *THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)
(Sen. Beatrice Ogolla, MP)
- ii) **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)
(The Chairperson, Standing Committee on Labour and Social Welfare)
- iii) *THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)
(Sen. Kathuri Murungi, MP)
- iv) *THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)
(Sen. Esther Anyieni Okenyuri, MP)
- v) *THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)
(Sen. Edwin Sifuna, MP)
- vi) ***THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)
(The Senate Majority Leader)

- vii) ****THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)
(The Senate Majority Leader)
- viii) ***THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 2 OF 2023)
(The Senate Majority Leader)
- ix) *THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)
(Sen. Johnes Mwaruma, MP)
- x) *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)
