



**REPUBLIC OF KENYA**  
**THIRTEENTH PARLIAMENT – (THIRD SESSION)**  
**THE SENATE**  
**ORDER PAPER**  
**AFTERNOON SITTING**  
**WEDNESDAY, APRIL 24, 2024 AT 2.30 PM**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **COMMITTEE OF THE WHOLE**  
**\*THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**  
(Sen. Moses Kajwang, MP)
9. **COMMITTEE OF THE WHOLE**  
**\*\*\*THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022)**  
(Sen. David W. Wafula, MP – Co-sponsor)
10. **COMMITTEE OF THE WHOLE**  
**\*\*\*THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)**  
(The Senate Majority Leader)
11. **\*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 16<sup>th</sup> April, 2024)***

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

*(Second Reading)*

...../Bills

13. **\*THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)**

(Sen. Kathuri Murungi, MP)

*(Second Reading)*

14. **\*THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)**

(Sen. Esther Anyieni Okenyuri, MP)

*(Second Reading)*

15. **\*THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)**

(Sen. Edwin Sifuna, MP)

*(Second Reading)*

16. **\*\*\*THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)**

(The Senate Majority Leader)

*(Second Reading)*

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

(The Senate Majority Leader)

*(Second Reading)*

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

(The Senate Majority Leader)

*(Second Reading)*

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

(Sen. Johnes Mwaruma, MP)

*(Second Reading)*

20. **\*THE NUTS AND OIL CROPS DEVELOPMENT BILL (SENATE BILLS NO. 47 OF 2023)**

(Sen. Hamida Kibwana, MP)

*(Second Reading)*

...../Motion

21. **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.

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**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)

- i) **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.

ii) **NOTICE** is given that Sen. Edwin Sifuna intends to move the following amendment to the Sugar Bill, National Assembly Bills No. 34 of 2022, at the Committee Stage—

**CLAUSE 38**

**THAT** Clause 38 of the Bill be amended by inserting the following new subclause immediately after subclause (1) -

(1A) Despite the provisions of subsection (1), the levy imposed on imported industrial sugar shall not exceed one per centum of its CIF value.

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

(The Senate Majority Leader)

**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 —

...../Notice of Amendments

**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”.

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**APPENDIX**

**1. PETITION**

Report of the Standing Committee on Energy on a Petition to the Senate by residents of Uyomo village in Kilifi County, concerning the protection of the right to life, health and a clean environment and other constitutionally protected rights and fundamental freedoms.

*(The Chairperson, Standing Committee on Energy)*

**2. PAPERS**

- i) First Half National Government Budget Implementation Review Report for Financial Year 2023/2024.
- ii) First Half County Governments Budget Implementation Review Report for Financial Year 2023/2024.
- iii) Report of the Auditor General on Financial Statements of Karuri Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2023.
- iv) Report of the Auditor General on Financial Statements of Kakamega County Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2023.
- v) Report of the Auditor General on Financial Statements of Kericho County Executive Staff Car Loan Fund for the year ended 30<sup>th</sup> June, 2023.
- vi) Report of the Auditor General on Financial Statements of Nyamira County Education Support Fund for the year ended 30<sup>th</sup> June, 2023.
- vii) Report of the Auditor General on Financial Statements of Municipality of Nyamira for the year ended 30<sup>th</sup> June, 2023.
- viii) Report of the Auditor General on Financial Statements of Kajiado County Executive Staff Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2023.

*(The Senate Majority Leader)*

- ix) 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)*

**3. NOTICE OF 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.

**4. QUESTIONS AND STATEMENTS**

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

- i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing concerning financial accountability in the construction and approval for occupation of Bunge Tower.
- ii) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the status of projects under the Parliamentary Service Commission.
- iii) The Senator for Turkana County (Sen. James Lomenen, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing concerning the status of construction of the County Executive Office Block and Speaker's residence in Turkana County.
- iv) The Senator for Turkana County (Sen. James Lomenen, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the safety of chiefs serving in counties plagued by insecurity.
- v) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the legitimacy of the Kisumu County Draft Valuation Roll – 2017.
- vi) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the state of sugarcane farming in Kisumu County.

- vii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding measures in place to address and curb the wastage of public resources in Kisumu County.

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

- i.) The Chairperson, Standing Committee on Trade, Industrialization and Tourism to make a Statement relating to the activities of the Committee for the period, January to March, 2024.
- ii.) The Chairperson, Standing Committee on Roads, Transportation and Housing to make a Statement relating to the activities of the Committee for the period, January to March, 2024.
- iii.) The Chairperson, County Public Accounts Committee to make a Statement relating to the activities of the Committee for the period, January to March, 2024.

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# **NOTICE PAPER**

## **Tentative Business for**

**Thursday, April 25, 2024**

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*(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 25, 2024.

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

- i) \*\*\*THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 14 OF 2024)  
(The Senate Majority Leader)
- ii) \*THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)  
(Sen. Omar Mariam Sheikh, MP)
- iii) \*THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)  
(Sen. Eddy Oketch, MP)
- iv) \*THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)  
(Sen. Mohamed Abass Sheikh, MP)
- v) \*THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)  
Sen. Kathuri Murungi, MP
- vi) THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)  
(Sen. Lenku Ole Kanar Seki, MP)
- vii) \*\*THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)  
(The Chairperson, Standing Committee on Energy)

### **B. MOTIONS**

- i) ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA  
(Sen. Johnes Mwaruma, MP)

- ii) 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)

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