



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

TUESDAY, JULY 09, 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
7. Questions and Statements (as listed in the Appendix)
8. **MOTION – THE CURRENT STATE OF THE NATION**
(The Senate Majority Leader and the Senate Minority Leader)

RECOGNIZING the State of the nation at this moment; the ongoing protests following the passing of the Finance Bill (National Assembly Bills No. 30 of 2024) on 25th June, 2024 by the National Assembly; the loss of lives, maiming and loss of property that has been occasioned following these protests;

COGNIZANT THAT pursuant to Article 115(1)(b) of the Constitution His Excellency the President of the Republic of Kenya declined to assent to the Bill and referred it back to the National Assembly with recommendations to delete all clauses of the Bill;

ACKNOWLEDGING THAT the conversation on the Finance Bill has triggered the broader important public conversation on the question of the high cost of living juxtaposed against the wasteful expenditure in all public institutions including Parliament;

FURTHER ACKNOWLEDGING the issues raised by the youth and other members of the public to do with corruption, impunity, incompetence within state and public appointments, opulent lifestyles of public officers, unemployment and high cost of living amongst other issues bedeviling the economy;

...../Motions

NOW THEREFORE, the Senate–

1. calls upon-

- i) the National Assembly to expeditiously consider the presidential memorandum pursuant to Article 115(2)(a);
- ii) all government ministries, departments and agencies, and constitutional commissions, including Parliament, to put in place austerity measures in undertaking their respective functions;
- iii) the Ethics and Anti-Corruption Commission (EACC) and other government multi sector agencies in the governance, justice, law and order sector to upscale and make concerted efforts to fight corruption;
- iv) the National Police Service to cease abductions, unlawful arrests, extra judicial killings and exercise restraint in dealing with peaceful and unarmed demonstrators;
- v) release of all persons arrested for planning and participating in peaceful demonstrations relating to the enactment of the Finance Bill;
- vi) the government to waive hospital bills for persons who have been injured and defray funeral expenses for those who lost their lives, during the demonstrations; and
- vii) the Judiciary to prioritize and expedite all court cases relating to the enactment of the Finance Bill and the resultant demonstrations.

2. considers all the challenges facing the country and makes necessary recommendations to address them.

(Resumption of debate interrupted on Thursday, 4th July, 2024)

9. **MOTION - REPORT OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE SOCIAL HEALTH INSURANCE (GENERAL) REGULATIONS, 2024 AND THE SOCIAL HEALTH INSURANCE (TRIBUNAL PROCEDURE) RULES, 2024**

(The Chairperson, Select Committee on Delegated Legislation)

THAT, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal Procedure) Rules, 2024, laid on the Table of the Senate on Tuesday, 2nd July, 2024; and that pursuant to Section 18 of the Statutory Instruments Act, the Senate resolves to annul: -

...../Motions

- i. the Social Health Insurance (General) Regulations, 2024 (Legal Notice No. 49 of 2024);and
- ii. the Social Health Insurance (Tribunal Procedure) Rules, 2024, (Legal Notice No. 48 of 2024).

10. **MOTION - APPROVAL OF SITTINGS OF THE SENATE TO BE HELD IN BUSIA COUNTY**

(The Senate Majority Leader)

THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the National and County levels of government, and the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the successes made during the sittings of the Senate outside Nairobi held in Uasin Gishu, Kitui and Turkana Counties in September, 2018, 2019 and 2023, respectively;

FURTHER ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13th Parliament; and the subsequent resolution of the Senate made on 8th March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the month of September in every Session of the 4th Senate, except during an election year with the objective to: -

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate and Parliament in general;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and
- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution, the Senate resolves to hold its Plenary and Committee sittings in Busia County, from 23rd to 27th September 2024.

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 Tuesday, 28th May, 2024)

(Division)

12. ***THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)**
(Sen. Hamida Ali Kibwana, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 30th May, 2024)

(Division)

13. ***THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 52 OF 2023)**
(Sen. Raphael Chimera, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 30th May, 2024)

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

(Second Reading)

15. ***THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)**
(Sen. James Murango, MP)

(Second Reading)

16. ***THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)**
(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

17. ***THE RICE BILL (SENATE BILLS NO. 19 OF 2023)**
(Sen. James Murango, MP)

(Second Reading)

18. ***THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 20 OF 2023)**
(Sen. Veronica Maina, MP)

(Second Reading)

- 19. ***THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)**
(Sen. Karungo Thang’wa, MP)
(Second Reading)
- 20. ***THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)**
(Sen. Mohamed Chute, MP)
(Second Reading)
- 21. ***THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)**
(Sen. Kathuri Murungi, MP)
(Second Reading)
- 22. ***THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)**
(Sen. Esther Anyieni Okenyuri, MP)
(Second Reading)
- 23. ***THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)**
(Sen. Edwin Sifuna, MP)
(Second Reading)
- 24. **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, 28th March, 2024.

(Resumption of debate interrupted on Wednesday, 22nd May, 2024 – Afternoon Sitting)

- 25. **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)

...../Motion

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)

26. **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)

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the year ended, 30th June, 2019, 30th June, 2020 and 30th June, 2021 of the following Water Service Providers-

- i.) Amatsi Water Services Company Limited - Vihiga County;
- ii.) Bomet Water Company Limited – Bomet County;
- iii.) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- iv.) Kisumu Water and Sanitation Company Limited –Kisumu County;
- v.) Kwale Water and Sewerage Company Limited – Kwale County; and
- vi.) Nyeri Water and Sanitation Company Limited – Nyeri County.

and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30th June, 2021, laid on the Table of the Senate on Thursday, 23rd November, 2023.

27. **MOTION - REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE INQUIRY INTO THE ALLEGED IRREGULARITIES IN THE PROCUREMENT OF LONG-LASTING INSECTICIDE TREATED NETS AT THE KENYA MEDICAL SUPPLIES AUTHORITY**

(Chairperson, Standing Committee on Health)

THAT, the Senate adopts the report of the Standing on Health on the inquiry into alleged irregularities in the procurement of long-lasting insecticide treated nets at the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Wednesday, 8th May, 2024.

..... /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

1. PETITION

Petition to the Senate by former employees of the Kenya Cooperative Creameries Limited (KCC) concerning nonpayment of outstanding terminal benefits and Maziwa Sacco dues.

(The Speaker of the Senate)

2. PAPER

Report of the Auditor General on County Government’s Revenue Funds for the Financial year 2022/2023, and Summary Report of the Auditor General on County Government’s Revenue Funds for the Financial year 2022/2023

(The Senate Majority Leader)

3. QUESTIONS AND STATEMENTS

i.) Statements pursuant to Standing Order 52(1)

- i.) Nominated Senator (Sen. Hamida Kibwana, MP) to make a Statement concerning men’s mental health.
- ii.) Nominated Senator (Sen. Hamida Kibwana, MP) to make a Statement regarding the recognition of the late Ms. Njambi Koikai’s struggle with Endometriosis and her efforts in raising awareness of the disease.

ii.) Requests for Statement pursuant to Standing Order 53(1)

- i.) Nominated Senator (Sen. Crystal Asige, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding an allocation of Kshs.156 billion given by the World Bank, to the Kenya Government, for integration of 400,000 refugees.
- ii.) The Senator for Mombasa County (Sen. Mwinyihaji Faki, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources concerning land issues in the coastal counties.
- iii.) The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the harassment by police of residents of Ikolomani Constituency in Kakamega County over gold mining rights.

- iv.)The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning on-going illegal mining activities at Hillo Gold Mine in Moyale, Marsabit County.
- v.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding attacks of Marsabit County residents by Ethiopian Government forces.
- vi.)The Senator for Nyamira County (Sen. Okong’o Mogeni, SC, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the postponement of elections for the position of director of the Kenya Tea Development Agency (KTDA).
- vii.)The Senator for Bungoma County (Sen. David Wafula Wakoli, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the raw fertilizer donated to Kenya by Russia in 2023.

NOTICE PAPER I**Tentative Business for Wednesday, July 10, 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, July 10, 2024 (Morning Sitting).

A. QUESTIONS

QUESTION NO.	SENATOR	SUBJECT	MINISTRY
037	Sen. (Dr.) Boni Khalwale, CBS, MP)	Welfare of Kenyans working in the Gulf States	Foreign and Diaspora Affairs
040	Sen. (Prof.) Tom Ojienda, SC, MP	Obligations of the Government to Kenyans in the diaspora who face arrest, detention and deportation	Foreign and Diaspora Affairs
057	Sen. (Prof.) Tom Ojienda, SC, MP	Climate change initiatives implemented in the country, and their tailoring to the specific needs of each county	Environment, Climate Change and Forestry
072	Sen. James Murango, MP	Discharge of effluent and other pollutants into rivers in Kirinyaga County	Environment, Climate Change and Forestry
045	Sen. (Dr.) Oburu Oginga, MGH, MP	Status of roads in Siaya County	Roads and Transport
050	Sen. Okong'o Mogeni, SC, MP	Status of Roads in Nyamira County	Roads and Transport
058	Sen. (Prof.) Tom Ojienda, SC, MP	Redundancies and retrenchments undertaken by Kenya Airways (KQ) since 2010	Roads and Transport

.. /Notice Paper I

059	Sen. Godfrey Osotsi	Allocation of funds by the Kenya Rural Roads Authority (KeRRA) to counties	Roads and Transport
061	Sen. (Prof.) Tom Ojienda, SC, MP	Reconstruction of transport infrastructure affected by the April/ May 2024 unprecedented rains and floods	Roads and Transport
062	Sen. Mwenda Gataya Mo Fire, MP	Compensation to landowners affected by the construction of the St. Mary Kinooro-Gianchuku-Mbogori Road	Roads and Transport
065	Sen. (Dr.) Boni Khalwale, CBS, MP	Status of the upgrading to bitumen standard of the Sigalagala-Butere Road	Roads and Transport
066	Sen. James Murango, MP	Status of ongoing projects for the upgrade to bitumen standard of roads in Kirinyaga County	Roads and Transport
067	Sen. James Murango, MP	Upgrade of Wang'uru Airstrip for use by farmers to transport their produce	Roads and Transport
074	Sen. Peris Tobiko, MP	Construction and maintenance of roads in Kajiado County	Roads and Transport
080	Sen. Joe Nyutu, MP	Putting up of road safety infrastructure and features on the Kenol-Sagana-Marwa Road near social amenities	Roads and Transport

081	Sen. Mwenda Gataya Mo Fire, MP	Inordinate delay in completing the tarmacking of the Gatunga-Chakariga Road	Roads and Transport
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B. MOTIONS

- i) REPORT OF THE 66TH COMMONWEALTH PARLIAMENTARY CONFERENCE HELD IN ACCRA, GHANA FROM 30TH SEPTEMBER – 6TH OCTOBER, 2023
(Sen. (Prof.) Margaret Kamar, MP)
- ii) REPORT OF THE 147TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN LUANDA, ANGOLA ON 23RD TO 27TH OCTOBER, 2023
(Sen. Catherine Mumma, MP)
- iii) REPORT OF THE 63RD SESSION OF THE OACPS PARLIAMENTARY ASSEMBLY AND THE 43RD SESSION OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY MEETINGS HELD IN BRUSSELS, BELGIUM
(Sen. Kathuri Murungi, MP)
- iv) 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)
- v) 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 20TH TO 27TH MARCH, 2024
(Sen. Danson Mungatana, MP)
- vi) REPORT OF THE KENYA DELEGATION TO THE 148TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN GENEVA, SWITZERLAND FROM 23RD TO 27TH MARCH, 2024
(Sen. Catherine Mumma, MP)
- vii) REPORT OF THE 14TH ORDINARY SESSION OF THE PLENARY ASSEMBLY AND RELATED MEETINGS OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE OF THE GREAT LAKES REGION, HELD IN LIVINGSTONE, ZAMBIA, FROM 15TH TO 19TH APRIL, 2024
(Sen. Ali Ibrahim Roba, MP)

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

NOTICE PAPER II

Tentative Business for Wednesday, July 10, 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, July 10, 2024. (Afternoon Sitting).

A. 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 METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)
(The Senate Majority Leader)
- v) *THE NUTS AND OIL CROPS DEVELOPMENT BILL (SENATE BILLS NO. 47 OF 2023)
(Sen. Hamida Kibwana, MP)
- vi) ***THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)
(Sen. Samson Cherarkey, MP – Co- Sponsor)
- vii) ***THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)
(The Senate Majority Leader)

B. BILLS AT THE SECOND READING STAGE

- i) *THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)
(Sen. Johnes Mwaruma, MP)
- ii) *THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)
(Sen. Lenku Ole Kanar Seki, MP)

- iii) **THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)
(The Chairperson, Standing Committee on Energy)
- iv) *THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)
(Sen. Mariam Sheikh Omar, MP)
- v) *THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)
(Sen. Eddy Oketch, MP)
- vi) *THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)
(Sen. Mohamed Abass Sheikh, MP)

C. MOTIONS

- i) 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)
- ii) REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER SERVICE COMPANIES FOR THE FINANCIAL YEARS 2018/2019, 2019/2020 AND 2020/2021
(The Chairperson, Committee on County Public Investments and Special Funds)
- iii) MOTION - ADDRESSING THE CHALLENGE OF POWER PURCHASE AGREEMENT RENEWALS AND ELECTRICITY SUPPLY IN KENYA
(Sen. Wahome Wamatinga, MP)
