



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

THURSDAY, SEPTEMBER 19, 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 - 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 Wednesday, 7th August, 2024 –
Afternoon Sitting
(Division)***

...../Bills

9. ***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 Tuesday, 23rd July, 2024)
(Division)
10. ****THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**
(The Chairperson, Standing Committee on Energy)
(Second Reading)
(Resumption of debate interrupted on Thursday, 1st August, 2024)
(Division)
11. **THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)**
(Sen. Eddy Oketch, MP)
(Second Reading)
(Resumption of debate interrupted on Wednesday, 7th August, 2024 – Afternoon Sitting)
(Division)
12. *****THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 17th September, 2024)
(Division)
13. ******THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 17th September, 2024)
(Division)
14. ***THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)**
(Sen. Edwin Sifuna, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday 17th September, 2024)
(Division)
15. *****THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of debate interrupted on Wednesday 18th September, 2024 – Afternoon Sitting)

- 16. **MOTION - REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS ON A PETITION TO THE SENATE BY MR. SAMUEL ESAPAR ON BEHALF OF RESIDENTS OF TURKANA COUNTY, CONCERNING THE STATE OF INSECURITY IN TURKANA COUNTY.**

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

THAT, the Senate adopts the Report of the Standing Committee on National Security, Defence and Foreign Relations on a Petition to the Senate by Mr. Samuel Esapar on behalf of residents of Turkana County, concerning the state of insecurity in Turkana County, laid on the Table of the Senate on Wednesday, 7th August, 2024.

- 17. *****THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 38 OF 2024)**

(The Senate Majority Leader)

(Second Reading)

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

(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

- 19. ******THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)**

(The Senate Majority Leader)

(Second Reading)

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

(Sen. Crystal Asige, MP)

(Second Reading)

- 21. ***THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILLS NO. 20 OF 2024)**

(Sen. Karungo Thangwa, MP and Sen. Godfrey Osotsi, MP)

(Second Reading)

- 22. ******THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 26 OF 2024)**

(The Senate Majority Leader and the Senate Minority Leader)

(Second Reading)

- 23. ******THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 28 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)
(Second Reading)
- 24. ****** THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 29 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)
(Second Reading)
- 25. ***THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILLS NO. 30 OF 2024)**
(Sen. Eddy Oketch, MP)
(Second Reading)
- 26. ***THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL (SENATE BILLS NO. 32 OF 2024)**
(Sen. (Dr.) Lelegwe Itumbesi, MP)
(Second Reading)
- 27. ***THE SPORTS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2024)**
(Sen. Edwin Sifuna, MP)
(Second Reading)
- 28. ***THE COUNTY GOVERNMENTS (STATE OFFICERS REMOVAL FROM OFFICE) PROCEDURE BILL (SENATE BILLS NO. 34 OF 2024)**
(Sen. Karungo Thang’wa, MP)
(Second Reading)
- 29. ***THE TOBACCO CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 35 OF 2024)**
(Sen. Catherine Mumma, MP)
(Second Reading)
- 30. **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;

...../Motion

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;

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.

31. **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.

...../Motion

32. **MOTION - CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE ACCESS TO EDUCATION IN KENYA**

(Sen. Karungo Wa Thangwa, MP)

THAT AWARE THAT, Pursuant to Article 53 of the Constitution, every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions;

FURTHER AWARE THAT, many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities;

NOTING THAT, over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NCDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds;

CONCERNED THAT, despite these efforts, schools fees remain unaffordable for many parents and the allocation of bursaries has been plagued by nepotism, favoritism, and political manipulation, lack of transparency and accountability;

FURTHER CONCERNED THAT public learning institutions are primarily funded by the Government through the Ministry of Education, and in the financial year 2024/25, approximately Kshs. 656 billion was allocated to the education sector, making it difficult to ascertain the specific funds granted to each student and that the lack of transparency in the disbursement of bursaries from various agencies makes it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students;

NOW THEREFORE, the Senate urges the Ministry of Education, to:

- 1) audit the funds allocated to bursaries by both the National Government and county governments;
- 2) consolidate the funds distributed by various government entities and agencies, with the aim of directing these funds directly to schools as supplementary capitation to facilitate the achievement of free secondary education; and
- 3) calculate the cost of education per learner and make this information public for primary, secondary, and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

...../Motion

33. **MOTION - DEPLOYMENT OF SAFETY OFFICERS IN SCHOOLS FOR ENHANCED SECURITY AND PREPAREDNESS**

(Sen. Karen Nyamu, MP)

AWARE THAT schools play a crucial role in shaping the future of our children and providing a safe environment for learning;

CONSCIOUS THAT personal growth is vital, and that safety within schools is a fundamental right of every student, teacher, and other workers and that safety is critical in improving the overall quality of education;

FURTHER AWARE THAT many schools, particularly in rural and marginalized areas, lack the necessary resources and expertise to manage safety risks effectively, which exposes students and staff to potential harm;

NOTING THAT deploying dedicated safety officers in schools will significantly reduce risks, enhance preparedness, and provide immediate response capabilities during emergencies, and that these trained safety officers will oversee safety protocols, provide first aid, conduct safety drills, ensure fire preparedness, manage emergency evacuations, and assist in addressing violence or other threats within school environments;

CONCERNED THAT there have been increasing incidences of insecurity, violence, accidents, and other safety challenges in both primary and secondary schools across the country;

NOW THEREFORE, the Senate urges that the National Government, through the Ministry of Education to:

- 1) recruit and deploy dedicated safety officers in both primary and secondary schools nationwide;
- 2) implement comprehensive training in safety protocols, first aid, emergency response, and violence management; and
- 3) provide necessary resources and support to schools, particularly in rural and marginalized areas, to effectively deploy and utilize these safety officers.

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 Mr. Charles Ochola Osango seeking the introduction of a Bill to establish standards and to regulate professionals in the hospitality industry.

(The Speaker of the Senate)

2. PAPERS

- i.) Report of the Auditor General on Financial Statements of Nyandiwa Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022 .
- ii.) Report of the Auditor General on Financial Statements of Magunda Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on Financial Statements of Tom Mboya Memorial Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on Financial Statements of Nyangiela Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- v.) Report of the Auditor General on Financial Statements of Ndhiwa Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- vi.) Report of the Auditor General on Financial Statements of Suba Sub County Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on Financial Statements of Mbita Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on Financial Statements of Marindi Sub County Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- ix.) Report of the Auditor General on Financial Statements of Mutituni Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2022.

- x.) Report of the Auditor General on Financial Statements of Masinga Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on Financial Statements of Mwala Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2022.
- xii.) Report of the Auditor General on Financial Statements of Matuu Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2022.
- xiii.) Report of the Auditor General on Financial Statements of Sondu Sub County Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- xiv.) Report of the Auditor General on Financial Statements of Masogo Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- xv.) Report of the Auditor General on Financial Statements of Miranga Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- xvi.) Report of the Auditor General on Financial Statements of Rabuor Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- xvii.) Report of the Auditor General on Financial Statements of Ojola Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- xviii.) Report of the Auditor General on Financial Statements of Nyamarimba Sub County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2022.
- xix.) Report of the Auditor General on Financial Statements of Ambira Sub County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2022.
- xx.) Report of the Auditor General on Financial Statements of Sigomere Sub County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2022.
- xxi.) Report of the Auditor General on Financial Statements of Nakuru County Teaching and Referral Hospital - County Government of Nakuru for the year ended 30th June, 2022.

- xxii.) Report of the Auditor General on Financial Statements of Langa Langa Sub County Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxiii.) Report of the Auditor General on Financial Statements of Molo Level 4 Sub County Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxiv.) Report of the Auditor General on Financial Statements of Gilgil Sub County Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxv.) Report of the Auditor General on Financial Statements of Subukia Sub County Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxvi.) Report of the Auditor General on Financial Statements of Mirugi Kariuki Sub County Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxvii.) Report of the Auditor General on Financial Statements of Bahati Sub County Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxviii.) Report of the Auditor General on Financial Statements of Olenguruone Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxix.) Report of the Auditor General on Financial Statements of Kabazi Sub County Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxx.) Report of the Auditor General on Financial Statements of Samburu County Teaching and Referral Hospital – County Government of Samburu for the year ended 30th June, 2022.

(The Senate Majority Leader)

3. QUESTIONS AND STATEMENTS

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

- i) Nominated Senator (Sen. Peris Tobiko, MP) to seek a Statement from the Standing Committee on Justice, Legal Affairs, and Human Rights regarding alleged abduction and disappearance of M/s. Bob Micheni Njagi, Jamil Langton and Aslam Langton.

...../Appendix

- ii) Nominated Senator (Sen. Esther Okenyuri, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged killings of residents of Bombaba Ward, Kenyena Sub-County in Kisii County.
- iii) The Senator for Machakos County (Sen. Agnes Kavindu Muthama, MP) to seek a Statement from the Standing Committee on Education regarding the status of Early Childhood Development Education (ECDE) in Machakos County.
- iv) The Senator for Machakos County (Sen. Agnes Kavindu Muthama, MP) to seek a Statement from the Standing Committee on Education concerning transition rates to secondary schools, universities and tertiary institutions in the country.
- v) The Senator for Uasin Gishu County (Sen. Jackson Mandago, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the procurement of medical insurance for the County Government of Uasin Gishu for the financial year 2024/2025.
- vi) The Senator for Wajir County (Sen. Mohamed Sheikh Abass, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding unpaid allowances for members of the Wajir County Government Lands Tribunal Committee and Municipality Board.
- vii) The Senator for Wajir County (Sen. Mohamed Sheikh Abass, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the status of pending bills in Wajir County Government.
- viii) The Senator for Busia County (Sen. Andrew Omtatah Okoiti, MP) to seek a Statement from the Standing Committee on Education concerning fees charged for remedial classes in schools.
- ix) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding non-payment of gratuity to Ms. Fatuma Nur Ibrahim by the Marsabit County Government.

b) Statement 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, 24th September, 2024.

NOTICE PAPER

Tentative Business for Tuesday, September 24, 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, September 24, 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 WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)
(Sen. Johnes Mwaruma, MP)
- ix. *THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)
(Sen. Lenku Ole Kanar Seki, MP)

B. MOTIONS

- i. 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)

 - 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)

 - iii. ADDRESSING THE CHALLENGE OF POWER PURCHASE AGREEMENT RENEWALS AND ELECTRICITY SUPPLY IN KENYA
(The Chairperson, Standing Committee on Energy)
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