



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

TUESDAY, OCTOBER 15, 2024 AT 2.30 PM

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
7. Questions and Statements (as listed in the Appendix)
8. **MOTION - REPORTS OF THE KENYA DELEGATION TO THE 147TH AND 148TH ASSEMBLIES OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN LUANDA, ANGOLA FROM 23RD TO 27TH OCTOBER, 2023 AND IN GENEVA, SWITZERLAND FROM 23RD TO 27TH MARCH, 2024**
(Sen. Catherine Mumma, MP)

THAT, the Senate notes the Reports of the Kenya Delegations to the 147th and 148th Assemblies of the Inter-Parliamentary Union (IPU) and related meetings held in –

- i. Luanda, Angola from 23rd to 27th October, 2023 laid on the Table of the Senate on Thursday, 29th February, 2024; and
- ii. Geneva, Switzerland from 23rd to 27th March, 2024 laid on the Table of the Senate on Thursday, 30th May, 2024.

***(Resumption of Debate interrupted on Wednesday, 9th October, 2024 – Morning Sitting)
(Question to be Put)***

9. ******THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 26 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)

(Second Reading)

***(Resumption of debate interrupted on Tuesday, 8th October, 2024)
(Division)***

...../Bills

10. ******THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 28 OF 2024)**

(The Senate Majority Leader and the Senate Minority Leader)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 9th October, 2024 – Afternoon Sitting)

(Division)

11. **MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (SENATE BILLS NO. 19 OF 2024)**

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the National Assembly amendments to the County Governments Additional Allocations Bill (Senate Bills No. 19 of 2024) be now considered.

12. ****** THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 29 OF 2024)**

(The Senate Majority Leader and the Senate Minority Leader)

(Second Reading)

13. **MOTION - REPORT OF THE STANDING COMMITTEE ON EDUCATION ON A PETITION TO THE SENATE REGARDING THE DISCRIMINATION BY TEACHERS SERVICE COMMISSION (TSC) ON PAYMENT OF HARDSHIP AND ENHANCED HOUSE ALLOWANCES TO SOME TEACHERS IN KILIFI AND TAITA TAVETA COUNTIES**

(The Chairperson, Standing Committee on Education)

THAT, the Senate adopts the Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by Teachers Service Commission (TSC) on payment of hardship and enhanced house allowances to some teachers in Kilifi and Taita Taveta counties, laid on the Table of the Senate on Tuesday, 8th October, 2024.

14. **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;

...../Motion

- 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.

15. MOTION - 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)

THAT, the Senate adopts the 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 laid on the table of the Senate on Tuesday, 5th March, 2024.

16. MOTION - 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)

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 Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021 (Volume VI), for the following Water Service Companies laid on the table of the Senate on Wednesday, 29th May, 2024;

- i) Busia Water and Sewerage Services Company Limited;
- ii) Iten- Tambach Water and Sewerage Company Limited;
- iii) Kirinyaga Water and Sanitation Company Limited;
- iv) Malindi Water and Sewerage Company Limited;
- v) Mandera Water and Sewerage Company Limited;
- vi) Migori Water and Sanitation Company Limited;
- vii) Mombasa Water and Sanitation Company Limited;
- viii) Nanyuki Water and Sanitation Company Limited; and

...../Motion

ix) Nithi Water and Sanitation Company Limited.

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

THAT, AWARE THAT on 29th 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 19th 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.

...../Motion

18. **MOTION - REPORT OF THE STANDING COMMITTEE ON ENERGY ON ITS INQUIRY INTO THE LIQUEFIED PETROLEUM GAS (LPG) EXPLOSION IN MRADI AREA, EMBAKASI, NAIROBI CITY COUNTY**
(The Chairperson, Standing Committee on Energy)

THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday, 8th August, 2024.

19. **MOTION - REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON AN INQUIRY INTO THE WELFARE OF WORKERS IN EXPORT PROCESSING ZONES (EPZS) IN MOMBASA AND KILIFI COUNTIES.**
(The Chairperson, Standing Committee of Labour and Social Welfare)

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on an inquiry into the plight of workers in the Export Processing Zones (EPZs) in Mombasa and Kilifi Counties, laid on the Table of the Senate on Tuesday, 1st October, 2024.

20. **MOTION - REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO PERSONAL SECURITY CONCERNS RAISED BY HON. PHILOMENA KAPKORY, DEPUTY GOVERNOR, TRANS NZOIA COUNTY**
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the allegations on personal security concerns raised by Hon. Philomena Kapkory, Deputy Governor, Trans Nzoia County laid on the Table of the Senate on Tuesday, 1st October, 2024.

21. **MOTION - REPORTS OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO THE STATE OF MARKETS IN VIHIGA AND BUNGOMA COUNTIES ARISING FROM A STATEMENT SOUGHT BY SEN. GODFREY OSOTSI, MP AND SEN. DAVID WAKOLI, MP**
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts Reports of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of markets in Vihiga and Bungoma counties arising from statements sought by Sen. Godfrey Osotsi, MP, and Sen. David Wafula Wakoli, MP laid on the Table of the Senate on Tuesday, 1st October, 2024.

...../Motion

22. **MOTION - REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER, SANITATION AND SEWERAGE SERVICE COMPANIES FOR THE FINANCIAL YEARS 2018/2019 (VOLUME VI), 2019/2020 (VOLUME VII) AND 2020/2021 (VOLUME IX)**

(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 Financial Years 2018/2019 (Volume VI), 2019/2020 (Volume VII) and 2020/2021(Volume IX), for Eldama Ravine, Eldoret, Embu, Githunguri, Homabay, Kahuti, Kakamega Kapenguria, Kapsabet, Nandi, Karuri, Kericho, Kiambu, Kibwezi-Makindu, Kikuyu, Kitui, Lamu, Limuru, Mathira, Matungulu – Kangundo, Mbooni, Meru, Municipal Council of Machakos, Murangá, Murang’a South, Naivasha, Nakuru Rural, Nakuru, Narok, Olkalou, Olkejuado, Othaya Mukurweini, Ruiru-Juja, Sibbo, Tavevo, Tetu Aberdare and Wote Water, Sanitation and Sewerage Service Companies laid on the table of the Senate on Wednesday, 2nd October, 2024.

23. **MOTION - PROGRESS REPORT OF THE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION INTO AN INQUIRY ON THE DIVERSITY AND INCLUSIVITY IN THE STAFF COMPOSITION OF STATE AGENCIES IN KENYA**

(The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

THAT, the Senate adopts Progress Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration into an inquiry on the diversity and inclusivity in the staff composition of state agencies in Kenya, laid on the Table of the Senate on Thursday, 3rd October, 2024.

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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...../Notice of Amendments

NOTICE OF AMENDMENTS

******THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL**
(SENATE BILLS NO. 19 OF 2024)

(The Chairperson, Standing Committee on Finance and Budget)

(NATIONAL ASSEMBLY AMENDMENTS)

NOTICE is given that the National Assembly made the following amendments to the County Governments Additional Allocations Bill (Senate Bills No. 19 Of 2024)

CLAUSE 5

THAT, Clause 5 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the words “Column F” appearing in the opening statement and substituting therefor the words “Column D”;
 - (ii) deleting paragraph (a);
 - (iii) deleting the words “Column C” appearing in paragraph (b) and substituting therefor the words “Column B”;
 - (iv) deleting the words “Column D” appearing in paragraph (c) and substituting therefor the words “Column C”;
 - (v) deleting paragraph (d);
- (b) by deleting sub-clause (2); and
- (c) by deleting sub-clause (3).

FIRST SCHEDULE

THAT, the Bill be amended by deleting the First Schedule and replacing therefor the following new Schedule—

FIRST SCHEDULE

Conditional Additional Allocations to County Governments from National Government’s Share of Revenue in FY 2024/25 (Kenya Shillings)					
		FY 2023/24	FY 2024/25		
SN	COUNTY	Total Conditional Additional Allocations	County Aggregation and Industrial Parks (CAIP) Programme	Community Health Promoters (CHPs) Project	Total Conditional Additional Allocations
		Column A	Column B	Column C	Column D
1	Baringo	92,926,764		50,970,203	50,970,203
2	Bomet	132,634,641		59,165,694	59,165,694
3	Bungoma	492,962,800	105,555,556	85,789,059	191,344,614

(No.107) TUESDAY, OCTOBER 15, 2024 (AFTERNOON SITTING) (2079)

Conditional Additional Allocations to County Governments from National Government's Share of Revenue in FY 2024/25 (Kenya Shillings)					
		FY 2023/24	FY 2024/25		
SN	COUNTY	Total Conditional Additional Allocations	County Aggregation and Industrial Parks (CAIP) Programme	Community Health Promoters (CHPs) Project	Total Conditional Additional Allocations
		Column A	Column B	Column C	Column D
4	Busia	376,591,665	105,555,556	53,031,058	158,586,613
5	Elgeyo/Marakwet	64,400,155		29,714,646	29,714,646
6	Embu	363,131,838	105,555,556	48,166,483	153,722,038
7	Garissa	264,807,925	105,555,556	59,525,146	165,080,701
8	Homa Bay	415,917,803	105,555,556	70,787,955	176,343,511
9	Isiolo	64,333,234		17,277,629	17,277,629
10	Kajiado	41,355,485		39,994,955	39,994,955
11	Kakamega	294,386,469		101,844,553	101,844,553
12	Kericho	140,552,947		36,496,295	36,496,295
13	Kiambu	409,665,074	105,555,556	75,628,567	181,184,122
14	Kilifi	138,924,099		92,738,452	92,738,452
15	Kirinyaga	367,510,449	105,555,556	29,283,304	134,838,860
16	Kisii	186,645,942		70,452,467	70,452,467
17	Kisumu	130,537,637		71,842,346	71,842,346
18	Kitui	179,499,580		59,189,658	59,189,658
19	Kwale	90,011,220		41,648,431	41,648,431
20	Laikipia	76,547,852		20,153,240	20,153,240
21	Lamu	62,515,370		11,598,297	11,598,297
22	Machakos	445,350,986	105,555,556	66,498,502	172,054,058
23	Makueni	173,836,213		90,821,378	90,821,378
24	Mandera	13,777,962		14,809,396	14,809,396

(No.107) TUESDAY, OCTOBER 15, 2024 (AFTERNOON SITTING) (2080)

Conditional Additional Allocations to County Governments from National Government's Share of Revenue in FY 2024/25 (Kenya Shillings)					
		FY 2023/24	FY 2024/25		
SN	COUNTY	Total Conditional Additional Allocations	County Aggregation and Industrial Parks (CAIP) Programme	Community Health Promoters (CHPs) Project	Total Conditional Additional Allocations
		Column A	Column B	Column C	Column D
25	Marsabit	2,389,320		47,998,739	47,998,739
26	Meru	488,329,627	105,555,556	89,048,085	194,603,640
27	Migori	394,621,807	105,555,556	70,596,248	176,151,803
28	Mombasa	262,131,098	105,555,556	57,200,694	162,756,249
29	Murang'a	452,896,800	105,555,556	36,783,856	142,339,412
30	Nairobi	14,721,991		178,934,889	178,934,889
31	Nakuru	484,883,209	105,555,556	79,390,825	184,946,380
32	Nandi	378,705,606	105,555,556	77,210,153	182,765,708
33	Narok	139,655,079		39,779,284	39,779,284
34	Nyamira	342,563,428	105,555,556	35,441,904	140,997,460
35	Nyandarua	242,624,039		33,237,269	33,237,269
36	Nyeri	156,487,648		59,309,475	59,309,475
37	Samburu	12,431,664		36,855,746	36,855,746
38	Siaya	423,929,548	105,555,556	50,970,203	156,525,759
39	Taita Taveta	50,418,729		32,805,928	32,805,928
40	Tana River	136,049,566		23,076,778	23,076,778
41	Tharaka Nithi	174,459,830		30,313,732	30,313,732
42	Trans Nzoia	366,941,692	105,555,556	53,678,070	159,233,626
43	Turkana	12,815,035		59,309,475	59,309,475
44	Uasin Gishu	379,487,557	105,555,556	49,508,434	155,063,990
45	Vihiga	97,662,444		34,651,111	34,651,111

Conditional Additional Allocations to County Governments from National Government's Share of Revenue in FY 2024/25 (Kenya Shillings)					
		FY 2023/24	FY 2024/25		
SN	COUNTY	Total Conditional Additional Allocations	County Aggregation and Industrial Parks (CAIP) Programme	Community Health Promoters (CHPs) Project	Total Conditional Additional Allocations
		Column A	Column B	Column C	Column D
46	Wajir	11,656,907		48,573,861	48,573,861
47	West Pokot	72,161,965		61,897,525	61,897,525
	GRAND TOTAL	10,116,848,690	1,900,000,000	2,584,000,000	4,484,000,000

SECOND SCHEDULE

THAT, the Bill be amended by deleting the Second Schedule.

THIRD SCHEDULE

THAT, the Bill be amended by deleting the Third Schedule.

APPENDIX

1. PAPER

Office of the Auditor General Annual Corporate Report for financial year 2023 -2024.

(The Senate Majority Leader)

2. QUESTIONS AND STATEMENTS

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

Nominated Senator (Sen. Crystal Asige, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding recognition of and respect for white cane users on Kenyan roads.

NOTICE PAPER I

Hearing Programme for

Wednesday, October 16, 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, 16th October, 2024 (Morning Sitting).

1. **READING OF THE CHARGES ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HIS EXCELLENCY RIGATHI GACHAGUA, EGH, DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA.**
2. **HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HIS EXCELLENCY RIGATHI GACHAGUA, EGH, DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA.**

NOTICE PAPER II

Hearing Programme for

Wednesday, October 16, 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, 16th October, 2024 (Afternoon Sitting).

HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HIS EXCELLENCY RIGATHI GACHAGUA, EGH, DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA.