



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, NOVEMBER 20, 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 (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)

8. **COMMITTEE OF THE WHOLE**

***THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)**

(Sen. Mohamed Abass Sheikh, MP)

*(Resumption of debate interrupted on Tuesday, 19th November, 2024)
(Division)*

9. **COMMITTEE OF THE WHOLE**

*****THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)**

(The Senate Majority Leader)

*(Resumption of debate interrupted on Tuesday, 19th November, 2024)
(Division)*

10. **COMMITTEE OF THE WHOLE**

***THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)**

(Sen. (Dr.) Boni Khalwale, MP)

(Resumption of debate interrupted on Tuesday, 19th November, 2024)

11. **COMMITTEE OF THE WHOLE**

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

(The Senate Majority Leader and the Senate Minority Leader)

...../Bills

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

13. COMMITTEE OF THE WHOLE
****THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)
(The Senate Majority Leader)

14. *THE ENVIRONMENT LAWS (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2024)
(Sen. Abdul Haji, MP)
(Second Reading)

(Resumption of debate interrupted on Thursday, 31st October, 2024)

15. ****THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO. 36 OF 2024)
(The Senate Majority Leader)
(Second Reading)

(Resumption of debate interrupted on Thursday, 14th November, 2024)

16. ****THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)
(The Senate Majority Leader)
(Second Reading)

17. MOTION - CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

THAT, the National Assembly amendments to the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) be now considered.

18. 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.

...../Motions

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

(Sen. Karungo 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.

***(Resumption of debate interrupted on Tuesday, 12th November, 2024)
(Balance of time – 1 hr 51mins)***

...../Motions

20. **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.

21. **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
- ix) Nithi Water and Sanitation Company Limited.

22. **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.

23. **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, Siboi, Tavevo, Tetu Aberdare and Wote Water, Sanitation and Sewerage Service Companies laid on the table of the Senate on Wednesday, 2nd October, 2024.

24. **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.

25. **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.

26. **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.

...../Motions

27. **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.

28. **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

...../Motions

- 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.

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

A. *THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)

(Sen. Mohamed Abass Sheikh, MP)

I. NOTICE is given that the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, intends to move the following amendments to the Fire and Rescue Services Professionals Bill 2023 (Senate Bills No. 55 of 2023) at the Committee Stage--

CLAUSE 3

THAT the Bill be amended by deleting clause 3 and substituting therefor the following new clause –

Objects of 3. The objects of this Act are to –
the Act

- (a) provide a framework for standards for professional practice and their enforcement;
- (b) facilitate the delivery of quality fire and rescue professional services;
- (c) promote the delivery of quality professional training and education for fire and rescue service professionals;
- (d) protect the public from unethical professional practice in fire and rescue services; and
- (e) promote realization of the right to the highest attainable standard of health for every person in relation to prevention, response and mitigation of unintentional injuries resulting from fire, accidents, emergencies, disasters and calamities.

CLAUSE 4

THAT the Bill be amended in clause 4 -

- (a) by deleting the heading to Part II and substituting therefor the follow new heading—

PART II – ADMINISTRATION

- (b) in subclause (1) by inserting the word “professionals” immediately after the words “and rescue services”.

...../Notice of Amendments

CLAUSE 5

THAT the Bill be amended by deleting clause 5 and substituting therefor the following new clause –

Composition of **5.** (1) The Board shall comprise of -
the Board

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry responsible for matters relating to fire and rescue services or their representative appointed in writing by the Principal Secretary;
- (c) the Principal Secretary in the Ministry responsible for finance or their representative appointed in writing by the Principal Secretary;
- (d) the Principal Secretary in the Ministry responsible for technical and vocational education and training or their representative appointed in writing by the Principal Secretary;
- (e) three persons nominated by the Council of County Governors;
- (f) two persons nominated by the association representing the largest number of professional firefighters in Kenya, one of whom shall be a representative of volunteer firefighters in Kenya;
- (g) one person nominated by the umbrella body of emergency responders in Kenya;
- (h) one person representing private sector organizations in Kenya; and
- (i) the registrar who shall be an ex-officio member and who shall have no vote.

(2) The persons nominated under subsection (1) (e), (f), (g) and (h) above shall be appointed by the Cabinet Secretary by notice in the *Gazette*.

...../Notice of Amendments

CLAUSE 6

THAT the Bill be amended in clause 6 by deleting the words “and it may establish branches in other counties” appearing immediately after the words “be in Nairobi”.

CLAUSE 7

THAT the Bill be amended in clause 7 by –

- (a) renumbering the existing introductory phrase as sub-clause (1); and
- (a) inserting the following new sub cause (2) immediately after paragraph (n) –
 - (2) collaborate with each county government in the performance of its functions.

CLAUSE 14

THAT clause 14 of the Bill be amended by deleting subclause (4) and substituting therefor the following subclause –

- (4) A person shall not be appointed as a Registrar unless such person –
 - (a) is registered as a fire and rescue services professional under this Act;
 - (b) is in good professional standing;
 - (c) has at least a degree from a university recognized in Kenya in fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, law, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other relevant qualification;
 - (d) has at least ten years’ experience in the field of fire and rescue;
 - (e) has at least five years’ experience in leadership in the public or private sector;
 - (f) has knowledge and experience in policy formulation;
 - (g) meets the requirements of Chapter Six of the Constitution

CLAUSE 16

THAT clause 16 of the Bill be amended in subclause (1) by deleting the words “carrying on” appearing immediately after the words “the course of” and substituting thereof with words “carrying out”.

CLAUSE 17

THAT the Bill be amended by deleting clause 17 and substituting therefor the following new clause –

Registration of
Fire and
Rescue
Services
Professionals

17. (1) A person shall not practice as a fire and rescue service professional, manage a fire and rescue services consulting firm or provide fire and rescue consultancy and advisory services unless they are registered in accordance with this Act.

(2) In this section, practice as a fire and rescue service professional includes –

- (a) providing fire and rescue professional services such as fire prevention, operating fire equipment for purposes of extinguishing fire where such a process requires a rescue professional, fire investigation, fire risk assessment, audit and inspection or rescue operation;
- (b) carrying out or holding oneself as a fire and rescue service professional; or
- (c) certifying or authorizing any process where a fire and rescue service professional is required under any law or administrative procedure to certify or authorize.

CLAUSE 18

THAT clause 18 of the Bill be amended by deleting paragraph (b) and replacing it with the following -

- (b) has undertaken and received practical and experiential learning in fire and rescue service practice for a period of at least one year in a recognized institution.

CLAUSE 20

THAT the Bill be amended in clause 22 by inserting the following new proviso immediately after sub-clause (7) —

Provided that any person or entity that intends to carry on the business of a fire and rescue service consulting firm or fire brigade firm shall apply for and obtain a trade licence from the respective County Government.

CLAUSE 36

THAT clause 36 of the Bill be amended in subclause (2) by deleting paragraph (f) and substituting therefor the following new paragraph—

(f) the training of fire and rescue services professionals.

CLAUSE 37

THAT the Bill be amended by deleting Clause 37 and substituting therefor the following new clause—

Transitional provision.

37. (1) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and does not hold the prescribed academic qualifications for registration under this Act shall, within one year of the commencement of the Act, comply with the requirements of this Act.

(2) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and holds the required academic qualifications under this Act shall apply for registration by the Board within one year of coming into force of this Act.

CLAUSE 2

THAT the Bill be amended in clause 2 by -

(a) deleting the definition of “fire and rescue services consulting firm” and substituting therefor the following new definition -

“fire and rescue services consulting firm” means a private organization or company registered by the Board and licensed by the County Governments to engage in the business of provision of consultancy and advisory services pertaining to fire and rescue services

(b) deleting the definition of the word “fire brigade”

(c) deleting the definition of the words “fire and rescue services professional” and substituting therefor the following new definition

—

fire and rescue service professional” means a person registered under section 17.

(d) Inserting a new definition of the word “private fire brigade firm”

“private fire brigade firm” means a private organization or company registered by the Board and licensed by a County Government to put out fires and rescue people from fires.

LONG TITLE

THAT the Bill be amended by deleting the long title and substituting therefor the following new title –

AN ACT of Parliament to provide for the promotion, development and regulation of the fire and rescue service profession, to provide for the establishment of institutional and regulatory framework for representation, participation, training and regulation of fire and rescue service professional practice, and for connected purposes.

II. NOTICE is given that the Senator for Wajir County (Sen. Abass Mohammed Sheikh, MP) intends to move the following amendments to the Fire and Rescue Services Professionals Bill (Senate Bills No. 55 of 2023) at the Committee Stage —

CLAUSE 29

THAT clause 29 of the Bill be amended –

- (a) in subclause (1) by deleting the words “five hundred thousand shillings or to imprisonment for a term not exceeding five” appearing immediately after the words “not more than” and substituting therefor the words “two hundred thousand shilling or to imprisonment for a term not exceeding three”;
- (b) in subclause (2) by deleting the words “one million” appearing immediately after the words “not less than” and substituting therefor the words “five hundred thousand”.

CLAUSE 31

THAT clause 31 of the Bill be amended by deleting the words “two million shillings or to imprisonment for a term not exceeding five years” appearing immediately after the words “conviction to a fine of” and substituting therefor the words “one million shillings or to imprisonment for a term not exceeding three.”

B. *THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)**

(The Senate Majority Leader)

NOTICE is given that the Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Houses of Parliament (Bicameral Relations) Bill 2023 (National Assembly Bills No. 44 of 2023) at the Committee Stage —

CLAUSE 3

THAT the Bill be amended by deleting clause 3 and substituting therefor with the following new clause –

- | | |
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| Object of the Act | <p>3. The object of this Act is to provide –</p> <p>(a) a framework for determining the nature of a Bill; and</p> <p>(b) for the procedure for determining whether a Bill concerns counties.</p> |
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CLAUSE 4

THAT the Bill be amended –

- (a) by deleting the heading to Part II appearing immediately before clause 4; and
- (b) by deleting clause 4.

CLAUSE 5

THAT the Bill be amended by deleting clause 5.

CLAUSE 6

THAT the Bill be amended –

- (a) by deleting the words “of a question” appearing immediately after the words “joint resolution” in the heading to Part III; and
- (b) by deleting clause 6 and substituting therefor the following new clauses –

- | | |
|-----------------------------|--|
| Procedure upon publication. | <p>6. (1) Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall, pursuant to Article 110(3) of the Constitution, invite the Speaker of the other House to jointly resolve the question on whether the Bill is —</p> |
|-----------------------------|--|

(a) a Bill concerning counties; and

(b) a special or an ordinary Bill.

(2) The Speaker to whom the request is sent under subsection (1) shall respond to the request within a period of seven days from the date of receipt of the request.

(3) Where the Speakers fail to agree on the nature of a Bill, each Speaker shall, within seven days from the date of receipt of the response under subsection (2), appoint three members from amongst members of the respective House to constitute an advisory team to assist the Speakers resolve the question under subsection (1).

(4) The advisory team shall, within fourteen days from the date of the first sitting, prepare and submit its advisory on the question under subsection (1) to the Speakers.

(5) The Speakers shall, within seven days from the date of receipt of the advisory under subsection (4), resolve the question under subsection (1).

(6) Where the Speakers, having taken into account the advisory of the advisory team, fail to agree on the question under subsection (1), the Bill shall not be introduced in either House of Parliament.

Determinati
on of the
nature of a
Bill.

6A. (1) The Speakers shall, in making a determination under section 6(1) and (2), take into account the criteria set out under sections 7 and 7A.

(2) The advisory team shall, in assisting the Speakers under section 6(4), take into account the criteria set out under sections 7 and 7A.

CLAUSE 7

THAT the Bill be amended by deleting clause 7 and substituting therefor the following new clauses –

...../Notice of Amendments

Criteria for a Bill concerning county government

7. (1) A Bill is a Bill containing provisions affecting the functions of a county government under Article 110(1)(a) of the Constitution if the Bill –

- (a) directly or indirectly affects the operations of the county governments;
- (b) will have a direct or indirect impact on the functions of county governments under Part 2 of the Fourth Schedule to the Constitution;
- (c) would have an impact on the exercise by any person upon whom a function or power is conferred under the Bill on any institution or office of the county government, the finances of the county government or the property held by or vested in the county government;
- (d) contains provisions which the county governments are required to implement or are binding on county governments;
- (e) confers a function or power on a person that would affect the exercise of the functions and the powers of the county governments under the Fourth Schedule to the Constitution;
- (f) seeks to transfer a function or power between the National Government and the county governments under Article 187 of the Constitution;
- (g) that affects the ability of the Senate to carry out its functions under Article 96 of the Constitution; or
- (h) provides for any other matter that would directly or indirectly affect the functions and powers of the county governments.

(2) A Bill is a Bill affecting the finances of a county government under Article 110(1)(c) of the Constitution if –

- (a) the Bill provides for –
 - (i) the equitable sharing of revenue under Article 202(1) of the Constitution;
 - (ii) the additional allocation of funds from the National Government’s share of revenue to county governments under Article 202(2) of the Constitution;
 - (iii) the additional allocation of funds to county governments under Article 190(1) of the Constitution including proceeds of loans and grants from development partners;
 - (iv) a matter relating to the appropriation and administration of the Equalisation Fund under Article 204 of the Constitution;
 - (v) the sharing of revenue or any financial matter concerning county governments as contemplated in Article 205(1) of the Constitution;
 - (vi) the transfer of equitable share to the county governments pursuant to Article 219 of the Constitution;
 - (vii) the withdrawal of money from the Consolidated Fund under Article 206 of the Constitution that affects the finances of county governments;
 - (viii) the withdrawal of money from a County Revenue Fund;
 - (ix) the establishment of public funds by counties and the management of those funds;

- (x) the establishment of a fund by Parliament for the benefit of a county government or a county government entity;
- (xi) advances from the Contingencies Fund under Article 208 of the Constitution that affect the finances of county governments;
- (xii) the imposition of a tax, duty or charge under Article 209(3)(c) of the Constitution;
- (xiii) borrowing by the National Government under Article 211 of the Constitution;
- (xiv) public debt under Article 214 of the Constitution that is to be charged on a public fund established for the benefit of county governments;
- (xv) borrowing by counties including the terms and conditions under which the National Government may guarantee a loan under Article 212(a) of the Constitution;
- (xvi) any matter concerning the Commission on Revenue Allocation under Articles 215 and 216 of the Constitution;
- (xvii) the form, content and timing of budgets for National and county governments prepared pursuant to Article 220 of the Constitution;
- (xviii) estimates for expenditure from the Equalisation Fund prepared pursuant to Article 221(2)(a);

- (xix) an appropriation under Article 223(4) of the Constitution that affects the finances of a county government;
- (xx) the form and procedure for processing county budgets and appropriation Bills prepared pursuant to Article 224 of the Constitution;
- (xxi) financial control measures and mechanisms under Article 225 of the Constitution;
- (xxii) the keeping of financial records and auditing of accounts of county governments and the designation of accounting officers in the county governments under to Article 226 of the Constitution;
- (xxiii) the procurement of public goods and services under Article 227 of the Constitution;
- (xxiv) the powers and functions of the Salaries and Remuneration Commission to set, review and advise on the remuneration and benefits of public officers in the county governments under Article 230(4) of the Constitution; or
- (xxv) any other matter referred to in Chapter Twelve of the Constitution affecting the finances of county governments; or

(b) the Bill is –

- (i) the annual Division of Revenue Bill under Article 218(1)(a) of the Constitution;

- (ii) the annual County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or
- (iii) the annual County Governments Additional Allocations Bill under Article 202(2) of the Constitution.

Criteria for determining a special or ordinary Bill.

7A. A Bill is a special Bill if the Bill –

- (a) relates to, affects or concerns the election of members of a county assembly or a county executive including-
 - (i) the continuous registration of citizens as voters under Articles 82(1)(c) and 88(4)(a) of the Constitution;
 - (ii) the review of the names and boundaries of the constituencies and wards by the Independent Electoral and Boundaries Commission under Articles 82(1)(a) and 89 of the Constitution;
 - (iii) the monitoring of compliance with the legislation required by Article 82(1)(b) relating to nomination of candidates by parties under Article 88(4)(k) of the Constitution;
 - (iv) the conduct of elections and referenda and the regulation and efficient supervision of elections and referenda, including the nomination of candidates for elections under 82(1)(d) of the Constitution;
 - (v) the registration as voters of citizens residing outside Kenya under Article 82(1)(e) of the Constitution;
 - (vi) the establishment of mechanisms for electoral disputes under Article 87(1) of the Constitution;

- (vii) the functions of the Independent Electoral and Boundaries Commission under Article 88 of the Constitution directly or indirectly affecting the election of members of a county assembly;
- (viii) the conduct and supervision of elections for the members of county assemblies under 177(1)(b) and (c) of the Constitution conducted by the Independent Electoral and Boundaries Commission under Article 90(2) of the Constitution;
- (ix) the allocation of airtime to political parties under Article 92(a) of the Constitution;
- (x) the regulation of freedom to broadcast for fair election campaigning under Article 92(b) of the Constitution;
- (xi) the regulation of political parties under Article 92(c) of the Constitution;
- (xii) the roles and functions of political parties under Article 92(d) of the Constitution;
- (xiii) the registration and supervision of political parties under Article 92(e) of the Constitution;
- (xiv) the establishment and management of a political party fund under Article 92(f) of the Constitution;
- (xv) the accounts and audit of political parties under Article 92(g) of the Constitution;
- (xvi) restrictions on the use of public resources to promote the interests of political parties under Article 92(h) of the Constitution; and

(xvii) any other matter affecting the management of political parties; or

(b) is a –

(i) County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or

(ii) County Governments Additional Allocations Bill under Article 202(2) of the Constitution.

PART IV – RESOLUTION UNDER ARTICLE 114 OF THE CONSTITUTION

Joint resolution on money Bill.

7B. (1) Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall seek the opinion of the Speaker of the other House on whether the Bill is a money Bill.

(2) Sections 6 and 19 shall apply, with necessary modification, in the resolution of any question as to whether a Bill is a money Bill.

Criteria for determining a money Bill.

7C. (1) A Bill is a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions dealing only with –

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the imposition of charges on a public fund or the variation or repeal of any of those charges;

(c) the appropriation, receipt, custody, investment or issue of public money;

(d) the raising or guaranteeing of any loan or its repayment; or

(e) matters incidental to any of the matters specified under paragraphs (a) to (d).

(2) A Bill is not a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions that –

(a) concern county governments as set out in section 7A;

...../Notice of Amendments

- (b) the imposition of taxes by a county government;
- (c) provides for the appropriation of funds by Parliament but does not appropriate money;
- (d) the imposition of charges on a public fund or the variation or repeal of such charges by a county government;
- (e) the appropriation, receipt, custody, investment or issue of public money by a county government; or
- (f) the raising or guaranteeing of any loan or its repayment by a county government.

Consideration of a money Bill.

7D. (1) A Bill that meets the criteria under section 7C(1) may be introduced only in the National Assembly in accordance with Article 109(5) of the Constitution.

(2) A Bill that meets the criteria under section 7C(2) may be introduced in the National Assembly or the Senate and passed by both Houses in accordance with Articles 110 to 113, Articles 122 and 123 and 109(4) of the Constitution and the Standing Orders of the respective Houses.

Concurrent determination.

7E. The determination of the nature of a Bill under section 6(1) shall be concurrent to the determination of the nature of a Bill under section 7B(1).

CLAUSE 8

THAT the Bill clause be amended by deleting clause 8.

CLAUSE 9

THAT the Bill clause be amended by deleting clause 9.

CLAUSE 10

THAT the Bill clause be amended by deleting clause 10.

CLAUSE 11

THAT the Bill clause be amended by deleting clause 11.

CLAUSE 12

THAT the Bill clause be amended by deleting clause 12.

CLAUSE 13

THAT the Bill clause be amended by deleting clause 13.

CLAUSE 14

THAT the Bill be amended –

- (a) by deleting the heading to Part IV appearing immediately before clause 14; and
- (b) by deleting clause 14.

CLAUSE 15

THAT the Bill clause be amended by deleting clause 15.

CLAUSE 16

THAT the Bill clause be amended by deleting clause 16.

CLAUSE 17

THAT the Bill clause be amended by deleting clause 17

CLAUSE 18

THAT the Bill clause be amended by deleting clause 18.

CLAUSE 19

THAT clause 19 of the Bill be amended –

- (a) by deleting the heading to Part V and substituting therefor the following new heading –

PART IV – JOINT RESOLUTION

- (b) by deleting clause 19 and substituting therefor the following new clause

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Joint resolution on the nature of a Bill. **19.** (1) Where the Speakers agree on the nature of a Bill in terms of Articles 109(5), 110(3) and 114 of the Constitution, the Bill shall be introduced in the originating House in accordance with the Constitution and the standing orders of the respective House.

(2) Where the Speakers fail to agree on the nature of a Bill the Bill shall not be introduced in either House of Parliament.

CLAUSE 20

THAT the Bill be amended by deleting clause 20 and substituting therefor the following new clause –

Presidential assent. **20.** A Bill presented for presidential assent shall be accompanied by a certificate of joint resolution signed by the Speakers of the National Assembly and the Senate in the form set out in the Schedule.

NEW CLAUSE 3A

THAT the Bill be amended by inserting the following new clause immediately after clause 3 –

Application . **3A.** This Act applies to all Bills originating in the National Assembly and the Senate.

FIRST SCHEDULE

THAT the Bill be amended by deleting the First Schedule and substituting therefor the following new schedule –

SCHEDULE
(s.20)

CERTIFICATE OF JOINT RESOLUTION

FORM A: Where the Bill concerns county governments

I certify that this]printed impression is a true copy of the Bill as passed by the [Originating House] onand by the [other House] on and that the Speakers jointly resolved the question, pursuant to Article 110(3) of the Constitution, that this is a Bill concerning county governments.

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Clerk of the [originating House]

*Speaker of the
[originating House]*

Clerk of the [other House]

*Speaker of the
[other House]*

Presented for assent in accordance with the provisions of the Constitution of Kenya on theday of at the hour of

Speaker of the [originating House]

FORM B: Where the Bill does not concern county governments

I certify that this printed impression is a true copy of the Bill as passed by the [Originating House] onand by the [other House] on and that the Speakers jointly resolved the question, pursuant to Article 110(3) of the Constitution, that this is not a Bill concerning county governments in terms of Article 110(1) of the Constitution.

Clerk of the [originating House]

*Speaker of the
[originating House]*

Clerk of the [other House]

*Speaker of
the [other House]*

Presented for assent in accordance with the provisions of the Constitution of Kenya on theday of at the hour of

Speaker of the [originating House]

SECOND SCHEDULE

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

CLAUSE 2

THAT clause 2 of the Bill be amended by –

- (a) deleting the definition of the word “Bill concerning county governments”;

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- (b) deleting the definition of the word “Bill not concerning county governments”;
- (c) deleting the definition of the word “Houses of Parliament” and substituting therefor the following new definition –
 “House” means the National Assembly or the Senate;
- (d) deleting the definition of the word “mediation committee”;
- (e) deleting the definition of the word “money Bill”; and
- (f) deleting the definition of the word “second house”.

PREAMBLE

THAT the Bill be amended by deleting the preamble.

LONG TITLE

THAT the Bill be amended by deleting the long title to the Bill and substituting therefor the following new title –

**AN ACT of Parliament to give effect to Articles 109(5),
 110(3) and 114 of the Constitution; to provide
 the procedure for the Speakers of the National
 Assembly and the Senate to determine the
 nature of a Bill; and for connected purposes.**

CLAUSE 1

THAT the Bill be amended by deleting clause 1 and substituting therefor the following new clause –

The Bicameral Legislative (Procedure) Bill, 2023.

C. *THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL
(SENATE BILLS NO. 38 OF 2023)

(Sen. (Dr.) Boni Khalwale, MP)

I. NOTICE is given that the Chairperson, Standing Committee on Roads, Transportation and Housing, intends to move the following amendments to the Public Transport (Motorcycle Regulation) Bill (Senate Bills No. 38 of 2023), at the Committee Stage—

CLAUSE 4

THAT the Bill be amended—

(a) by inserting the following new clause immediately before clause 4—

Roles of
the
County
executive
committee
member.

3A. (1) The county executive committee member shall be responsible for the regulation, management, and coordination of all matters relating to the motorcycle transport sector within the county.

(2) Without prejudice to the generality of sub-section (1), the county executive committee member shall—

- (a) develop policies, regulations, and guidelines on motorcycle transport and safety matters within the county;
- (b) manage and control motorcycle transport services within the county, including registration and licensing of motorcycle riders, designate parking and routes;
- (c) ensure compliance with the provisions of this Act and any other laws related to the transport sector within the county;
- (d) conduct research and collect data on transport and safety matters within the county; and
- (e) develop and implement programs to promote road safety, including training and civic education of riders and passengers.

(b) by deleting clause 4 and substituting therefor the following new clause—

Appointment
of Board

4. The County executive member may delegate functions under section 3A to a Board.

CLAUSE 5

THAT Clause 5 of the Bill be amended—

- (a) by inserting the words “or their representative” immediately after the words “county attorney” in paragraph (d);
- (b) by deleting the word “four” and substituting therefor the word “two” in paragraph (f);
- (c) by deleting the word “two” and substituting therefor the word “four” in paragraph (g);
- (d) by renumbering the existing provision to subsection (1) and by inserting the following new subsection—

(2) While making the appointments under subsection (5), the county executive committee member shall —

- (a) take in to consideration the one third gender rule and ensure that the youth and persons with disabilities are represented in the membership of the Board;
- (b) ensure that two out of the four people appointed under paragraph (g) are active motorcycle riders; and
- (c) consider the diversity in respect to the qualifications of the persons being appointed.

CLAUSE 6

THAT Bill be amended by deleting clause 6 and inserting therefor the following new clauses—

Qualifications for appointment.

6. (1) A person qualifies to be appointed as the Chairperson of the Board if that person—

- (a) holds a degree from a university recognized in Kenya;
- (b) has at least five years’ experience in matters relating to transport;
- (c) has resided in the county for a period of not less than five years.; and
- (d) meets the requirements of Chapter Six of the Constitution

(2) A person qualifies to be appointed as a member of the Board, if the person—

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) has not been convicted of a criminal offence which attracts imprisonment for a term not exceeding six months;

- (c) has not been adjudged bankrupt or entered into a composition or arrangement with the creditors of the person;
- (d) is not disqualified under any other written law from appointment as such; and
- (e) in the case of a member under paragraph (f) has atleast a post secondary education qualification;
- (f) in the case of a member under paragraph (g) has atleast a secondary school qualification.

Tenure of office.

of

6A. (1) The Chairperson and members of the Board, shall hold office for a term of three years and may be eligible for re-appointment for an additional final term of three years.

(2) Notwithstanding the provisions of subsection (1), the Chairperson or a member of the Board may be removed from office if that person—

- (a) has been absent from three consecutive meetings of the Committee without justifiable cause or the written permission of the Chairperson;
- (b) is adjudged bankrupt or enters into a composition or arrangement with the creditors of the person;
- (c) is convicted of an offence involving anti-economic crimes or corruption;
- (d) becomes incapable of carrying out the functions of their office due to an infirmity of mind or body;
- (e) violates Chapter Six of the Constitution; or
- (f) fails to disclose any interest in a matter under consideration by the Committee as provided for under this Act.

Remuneration of the Board.

6B. The Chairperson and the members of the Board shall be paid such sitting allowances or other remuneration for expenses as recommended by the Salaries and Remuneration Commission.

Vacancy.

6C. (1) The office of the Chairperson or a member of the Board shall become vacant if the holder—

- (a) dies;
- (b) resigns from office in writing addressed to the county executive committee member;
- (c) is absent from three consecutive meetings of the Board without good cause; or
- (d) is removed from office under subsection (2).

(2) A person may be removed as a chairperson or member of the Board if that person—

- (a) is absent without permission of the Chairperson or the county executive committee member from three consecutive meetings of the Board;
- (b) contravenes the provisions Chapter Six of the Constitution;
- (c) is incapacitated by prolonged physical or mental illness and is unable to discharge the duties of his or her office;
- (d) is convicted of an offence and imprisoned for a term of more than six months;
- (e) fails to comply with the provisions of the Act relating to disclosure of interest; or
- (f) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors.

Committees of the Board. **6D.** The Board may establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under the Act.

Conduct of affairs and business of the County Committee. **6E.** (1) The conduct of affairs and business of the Board shall be in accordance with the First Schedule of this Act.

(2) Subject to subsection (1), the Board may amend its own procedures for the better carrying out of its functions.

CLAUSE 7

THAT clause 7 of the Bill be amended—

- (a) by deleting subclause (1);
- (b) in subclause (2) by deleting the words “ with the Board” and substituting therefor the words “ in accordance to the Act”;
- (c) in subclause (3) by deleting the word “Board” appearing immediately after the words “made to the” and substituting therefor the words “ the county executive committee member”
- (d) in subsection (4) by deleting the word “ Board” appearing immediately after the word “The” at the beginning of the subclause and substituting therefor the words “county executive committee member;
- (e) by inserting the following new subsection immediately after subsection (5)—
 - (6) The county executive committee member shall submit a copy of the register to the Authority every three months.
- (f) by inserting the following new clause immediately after clause 7 –

Power to suspend or revoke certificate of registration.

7A. (1) The county executive committee member may suspend or revoke any certificate of registration issued under this Act on the grounds that the owner of the motorcycle or the rider of the motorcycle has failed or neglected to comply with the provisions of the Act.

(2) Prior to suspension of the certificate of registration under subsection (1) the county executive committee member shall—

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- (a) inform the holder of a registration certificate of the reasons for the proposed suspension or revocation; and
- (b) give the holder of a registration certificate an opportunity to be heard in respect to the proposed suspension or revocation.

CLAUSE 8

THAT the Bill be amended by deleting clause 8.

CLAUSE 9

THAT the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

Cooperative Societies Membership.

Cap. 490.

9. (1) A person who owns a motorcycle for commercial purposes shall register with a Cooperative Society recognised under the Cooperative Societies Act.

(2) Each Cooperative Society shall provide proof of registration of an owner confirming their membership at the request of the county executive committee member.

(3) For purposes of this Act, the membership of an owner to a Cooperative Society shall not be for purposes of forming a gang or cartel by the owners or the riders who work for them.

CLAUSE 10

THAT clause 10 of the Bill be amended—

- (a) in subclause (1) by deleting the word “ Board” appearing immediately after the words “approved by the” and substituting therefor the word “Authority”
- (b) in subclause (2) by deleting the word “Board” appearing immediately after the word “The” and substituting therefor the word “Authority”
- (c) by inserting the following new subsection immediately after subsection (3)—
 - (4) The county executive committee member may provide for the manner in which the training may be offered in the local languages in the county.

CLAUSE 11

THAT clause 11 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

- (3) Every owner shall ensure —

- (a) no structural modifications to the motorcycle are undertaken that may obstruct the visibility of the rear number plates;
- (b) no structural modifications to the motorcycle are undertaken that may affect the safe operation of the motorcycle;
- (c) no modifications to the exhaust system or any other noise abatement device of a motorcycle are done so as to cause the noise emitted by the motorcycle to be above that emitted by the motorcycle as originally manufactured.

CLAUSE 12

THAT clause 12 of the Bill be amended

- (a) in subsection (1)—
 - (i) by deleting the word “Board” appearing immediately after the words “issued by the” in paragraph (b) and substituting therefor the words “ county executive committee member”;
 - (ii) by deleting the word “person” appearing immediately after the words “more than one” in paragraph (d) and substituting therefor the words “adult passenger”;
 - (iii) by deleting the words “passengers are carried on a proper seat with foot rests securely fixed to the motorcycle behind the rider’s seat” appearing immediately after the words “ensure that” in paragraph (e) and substituting therefor the words “a passenger is carried on a proper seat with foot rests securely fixed to the motorcycle behind the seat of the rider”; and
 - (iv) by deleting the words “loads exceeding fifty kilograms and passengers” appearing immediately after the words “ensure that” in paragraph (h) and substituting therefor the words “a load exceeding fifty kilograms and an adult passenger”.

- (b) in subsection (2) by deleting the words “unless that person has a valid certificate of registration issued by the Board” appearing immediately after the words “not ride a motorcycle” in paragraph (b) and substituting therefor the words “ that has not been duly registered under this Act”.

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause in subsection (2)—

- (i) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) a child who is less that thirteen years old may be carried together with an adult passenger provided the child is seated between the rider and the adult passenger.
- (ii) by deleting paragraph (b).

CLAUSE 14

THAT clause 14 of the Bill be amended in subclause (3) by deleting the word “Board” appearing immediately after the word “The” and substituting therefor the following new words “ county executive committee member”

CLAUSE 15

THAT clause 15 of the Bill be amended by deleting the word “Board” appearing immediately after the words “authorised by the” and substituting therefor the following new words “ county executive committee member”

CLAUSE 16

THAT clause 16 (3) of the Bill be amended by deleting the word “nine” appearing immediately after the words “ is less than” and substituting therefor the word “thirteen”.

CLAUSE 17

THAT clause 17 of the Bill be amended in subclause (1) by deleting the word “thirty kilograms for a motorcycles whose carrying capacity does not exceed fifty cc and kilograms for a motorcycle whose carrying capacity does not exceed four hundred cc” appearing immediately after the words “ is more than” in paragraph (c) and substituting therefor the word “fifty kilograms”.

CLAUSE 18

THAT clause 18 of the Bill be amended —

- (a) in subclause (1) by deleting the words “county transport and safety board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”; and
- (b) in subclause (6) “county transport and safety board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”

CLAUSE 19

THAT clause 19 of the Bill be amended —

- (a) in subclause (1) by deleting the word “ Board” appearing immediately after the words “issued by the” and substituting therefor the words “county executive committee member”;
- (b) in subclause (2) “Board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”; and
- (c) in subclause (4) “Board” appearing at the beginning of the subclause and substituting therefor the words “The county executive committee member”.

CLAUSE 21

THAT the Bill be amended by deleting clause 21.

CLAUSE 23

THAT clause 23 of the Bill be amended —

- (a) in subclause (1) by deleting the word “Board” appearing immediately after the words “device approved by” and substituting therefor the words “the county executive committee member”

- (b) in subsection (2) by inserting the word “(1)” immediately after the words “to in sub-section”
- (c) in subsection (3) by deleting the word “Board” appearing immediately after the words “The” and substituting therefor the words “the county executive committee member”
- (d) in subclause (4) by deleting the word “Board” appearing immediately after the words “device to the” and substituting therefor the words “the county executive committee member”.

CLAUSE 26

THAT clause 26 of the Bill be amended by deleting the word “County Transport and Safety Board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”.

CLAUSE 27

THAT clause 27 of the Bill be amended by deleting the word “these” appearing immediately after the words “any provision of” and substituting therefor the word “this”.

CLAUSE 28

THAT clause 28 of the Bill be amended by inserting the following new clause—

County
legislation.

28A. Nothing in this Act shall preclude co-
governments from enacting legislation relatec
regulation of motorcycles within its county.

NEW CLAUSE 30

THAT the Bill be amended by inserting the following new clause immediately after clause 29 –

Consequential
amendments.

30. Section 21 and 22 of the National Trans
and Safety Act are repealed.

INSERTION OF SCHEDULE

SCHEDULE

s. 6E

**CONDUCT OF BUSINESS AND AFFAIRS
OF BOARD**

Meetings of the
Board.

1. (1) The Board shall meet at least once
in every three months to conduct the business
of the Board.

(2) The Chairperson shall convene the
ordinary meetings of the Board.

(3) Despite the provisions of
subparagraph (1), the Chairperson shall,
upon a written request by at least five
members, convene a special meeting of the
Board at any time where the chairperson
considers it expedient for the transaction of
the business.

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(4) Unless three quarters of the total number of the members of the Board otherwise agree, at least fourteen days written notice of every meeting shall be given to every by the respective Secretary.

(5) The quorum for the conduct of the business of the Board shall be five members.

(6) The chairperson shall preside at every meeting of the Board at which the Chairperson is present and in the Chairperson's absence, the members present shall elect one person from their number to preside over the meeting and that person shall have all the powers of the Chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the Board shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to provisions of this Schedule, the Board may determine its own procedure and for the attendance of other persons at its meetings thereof.

Disclosure of Interest.

2. (1) If a member of the Board is directly or indirectly interested in any matter before the Council or the county e-waste committee and is present at the respective meeting at which the matter is the subject of consideration, that member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the member's interest in the matter and shall not take part in the deliberations relating to the matter, or vote on, the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

II. NOTICE is given that the Senator for Vihiga County (Sen. Godfrey Osotsi, MP) intends to move the following amendments to the Public Transport (Motorcycle Regulation) Bill (Senate Bills No. 38 of 2023), at the Committee Stage —

CLAUSE 5

THAT clause 5 of the Bill be amended by –

- (a) deleting paragraph (f);
- (b) deleting paragraph (g) and substituting therefor the following new paragraph—
 - (f) six persons appointed by the county executive committee member responsible for matters relating to transport as follows –
 - (i) two persons representing bodaboda riders;
 - (ii) two persons representing bodaboda owners; and
 - (iii) two persons representing Savings and Cooperative Societies in the county.

CLAUSE 9

THAT clause 9 of the Bill be amended in subsection (1) by inserting the words “that relates to motorcycle riders and owners” immediately after the words “Savings and Cooperative Societies”.

CLAUSE 11

THAT clause 11 of the Bill be amended by inserting the following new subsection immediately after subsection (2)—

- (3) The helmet and the reflector jacket provided in subsection (2) shall have the registration number of the motorcycle embossed on the helmet and jacket.

CLAUSE 14

THAT clause 14 of the Bill be amended—

- (a) in subsection (1) by deleting the word “employment” appearing immediately after the words “enter into a written”;
- (b) in subsection (2) –
 - (i) by deleting the word “employment” appearing immediately after the word “The” in the introductory statement; and
 - (ii) in paragraph (a) by deleting the word “employment” appearing immediately after “terms and conditions of employment”; and
- (c) in subsection (3) by deleting the word “employment” appearing immediately after the words “shall develop model”.

CLAUSE 24

THAT clause 24 of the Bill be amended by deleting subsection (3).

CLAUSE 25

THAT clause 25 of the Bill be amended by deleting subsection (3).

CLAUSE 26

THAT clause 26 of the Bill be amended by deleting subsection (2).

CLAUSE 27

THAT clause 27 of the Bill be deleted.

NEW CLAUSE 28A

THAT the Bill be amended by inserting the following new clause immediately after clause 28—

County **28A.** Each county may enact legislation setting out the
legislative framework for motorcycle regulation in the county.
on.

CLAUSE 2

THAT clause 2 of the Bill is amended by deleting the definition of the term “employment contract” and substituting therefor the following new definition—

“contract” means a written or oral agreement between the owner of a motorcycle and a rider which provides the terms and conditions of engagement, including wages, working hours, duties and responsibilities and other relevant matters.

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

(The Senate Majority Leader and the Senate Minority Leader)

I. NOTICE is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Political Parties (Amendment) (No. 2) Bill (Senate Bills No. 26 of 2024), at the Committee Stage —

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph –

(a) deleting the definition of the word “Commission” and substituting therefor the following new definition -

“Commission” means the Independent Political Parties Regulatory Commission established under section 33.

CLAUSE 5

THAT the Bill be amended by deleting clause 5 and substituting therefor the following new clause –

Repeal and **5.** The principal Act is amended by repealing section 33 and replacement of substituting therefor the following new sections—
section 33 of
Cap. 7D

Establishment of the Independent Political Parties Regulatory Commission.	33. (1) There is established a Commission known as the Independent Political Parties Regulatory Commission. (2) The Commission shall be a body corporate with perpetual succession and a seal, and shall be capable, in its own name of— (a) acquiring and disposing of property; (b) suing and being sued; and (c) doing or performing all such acts and things as a body corporate may by law do or perform.
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Functions of the Commission.	33A. (1) The Commission is responsible for — (a) the registration of political parties and their office holders; (b) the management of the Political Parties’ Fund established under this Act; (c) ensuring the publication of audited annual accounts of political parties; (d) the verification and making publicly available the list of all members of political parties; (e) keeping and maintaining a register of members of registered political parties; (f) maintaining a register of political parties and the symbols of the political parties;
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...../Notice of Amendments

- (g) ensuring and verifying that no person is a member of more than one political party and notifying the Independent Electoral and Boundaries Commission of its findings;
- (h) certifying that an independent candidate in an election is not a member of any registered political party;
- (i) certifying that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party;
- (j) certifying that the names appearing in a party list are the names of members of the political party; presenting the party list;
- (k) regulating political party nominations in accordance with this Act;
- (l) training political party election agents upon the request and financing by the political party;
- (m) investigating complaints received under this Act; and
- (n) such other functions as may be conferred on the Commission by national legislation.

(2) The Commission, in the performance of its functions, shall be independent and not subject to the direction or control of any person or authority.

Membership of the Commission.

33B. (1) The Commission shall comprise of five members nominated in accordance with subsection (2) and appointed by the President with the approval of Parliament.

(2) The members of the Commission shall be nominated as follows —

- (a) two members, one man and one woman, nominated by the majority party or coalition of parties in Parliament;
- (b) two members, one man and one woman, nominated by the minority party or coalition of parties in Parliament;
- (c) one member nominated by the Parliamentary Service Commission being a representative of nonparliamentary registered political parties.

(3) The members of the Commission shall elect a chairperson and vice chairperson from among themselves—

- (a) at the first sitting of the Commission; and
- (b) whenever it is necessary to fill a vacancy in the office of the chairperson and vice-chairperson.

(4) The chairperson and vice chairperson of the Commission shall not be of the same gender.

Qualifications for appointment as member of

33C. (1) A person is qualified for appointment as member of the Commission if that person—

- (a) holds a degree from a university recognised in Kenya;

the
Commission.

- (b) has proven knowledge and experience in any of the following fields—
 - (i) finance;
 - (ii) management;
 - (iii) political science;
 - (iv) electoral matters
 - (v) law;
 - (vi) governance; or
 - (vii) public administration;
- (c) has at least ten years post qualification experience in the relevant areas of expertise; and
- (d) meets the requirements of Chapter Six of the Constitution.

(2) A person is not qualified for appointment as a member of the Commission if the person –

- (a) has, at any time within the preceding five years, held office or stood for election for any elective position in Kenya or as a member of a governing body of a political party;
- (b) is an undischarged bankrupt; or
- (c) has been removed from office for contravening the provisions of the Constitution or any other law.

(3) A person who serves as a member of the Commission is not eligible to contest for any elective position or as a member of a governing body of a political party within five years of the person ceasing to be a member of the Commission.

Tenure of office.

33D. (1) The members of the Commission shall be appointed for a single term of six years and are not eligible for re-appointment.

(2) The members of the Commission shall serve on a full-time basis.

Vacancy in the office of a member of the Commission.

33E. (1) The office of a member of the Commission shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the President; or
- (c) is removed from office in accordance with section 33F.

(2) The President shall publish a notice of a vacancy in the Gazette within seven days of the occurrence of such vacancy.

(3) Whenever a vacancy arises under subsection (1), the nominating body shall, within sixty days from the date of publication of the vacancy, competitively recruit and submit the name of the nominee to the President for appointment.

(4) The members of the Commission shall, before assuming office, take and subscribe to the oath or affirmation prescribed in the Fourth Schedule.

Removal from office.

33F. (1) A member of the Commission may be removed from office only on grounds of—

- (a) serious violation of the Constitution or of this Act;
- (b) gross misconduct whether in the performance of the member’s or office holder’s functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) bankruptcy; or
- (e) incompetence.

(2) A person desiring the removal of a member of the Commission shall present a petition to the Public Service Commission which shall be in writing, setting out the alleged facts constituting the grounds for the removal of the member.

(3) The Public Service Commission shall consider the petition and, if it is satisfied that it discloses the existence of a ground under subsection (1), send the petition to the President.

(4) On receipt and examination of the petition, the President shall—

- (a) suspend the member pending the outcome of the petition; and
- (b) appoint a tribunal in accordance with subsection (5).

(5) The President shall appoint a tribunal consisting of—

- (a) a chairperson who shall be nominated by the Judicial Service Commission and who shall be a person who is qualified to hold office as a judge of a superior court;
- (b) two other persons, a man and a woman, who shall be nominated by the Law Society of Kenya and who shall be qualified to hold office as a judge of a superior court; and

(c) two persons, a man and a woman, who shall be nominated by the Association of Professional Societies in East Africa and who have knowledge and experience in public affairs and are competent to assess the facts in respect of the particular ground for removal.

(6) The tribunal shall, within thirty days, investigate the matter and report on the facts to the President who shall act in accordance with the recommendation.

(7) A person who is suspended under this section shall continue, while on suspension, to receive one-half of the remuneration and benefits of the office.

Procedure of the Commission.

33G. (1) The business and affairs of the Commission shall be conducted in accordance with the Sixth Schedule.
(2) Except as provided in the Sixth Schedule, the Commission may regulate its own procedure.

Terms and conditions of service.

33H. The salaries and allowances payable to, and other terms and conditions of service of the members of the Commission shall be determined by the Salaries and Remuneration Commission.

Appointment of the secretary.

33I. (1) There shall be a secretary to the Commission who shall be competitively recruited and appointed by the Commission.
(2) The secretary shall be –
(a) the chief executive officer of the Commission; and
(b) the head of the secretariat and shall be responsible to the Commission.
(3) A person is qualified for appointment as a secretary to the Commission if the person—
(a) is a citizen of Kenya;
(b) holds a degree from a university recognized in Kenya;
(c) has had at least ten years proven experience at management level;
(d) has extensive experience in public administration; and
(e) meets the requirements of Chapter Six of the Constitution.
(4) The secretary shall hold office for a term of five years and shall be eligible for re-appointment for a further term of five years.

Removal of the secretary.

33J. (1) The secretary may be removed from office by the Commission in accordance with the terms and conditions of service for—
(a) inability to perform the functions of the office of secretary arising out of physical or mental incapacity;

- (b) gross misconduct;
 - (c) incompetence or neglect of duty;
 - (d) violation of the Constitution; or
 - (e) any other ground that would justify removal from office under the terms and conditions of service.
- (2) Before the secretary is removed under subsection (1), the Secretary shall be given—
- (a) sufficient notice of the allegations made against him or her; and
 - (b) an opportunity to present his or her defence against the allegations.

Powers of the Commission to appoint staff.

33K. The Commission shall have the power to appoint such other staff as may be necessary for the proper discharge of its functions under this Act and on such terms and conditions of service as the Commission may determine in consultation with the Salaries and Remuneration Commission.

CLAUSE 7

THAT the Bill be amended by deleting clause 7 and substituting therefor the following new clause –

Amendment of section 34C of Cap 7D.

- 7.** Section 34C of the principal Act is amended –
- (a) in subsection (1) by deleting the words “or is deemed to have resigned from the political party and the Registrar has been notified of the resignation” appearing in paragraph (c); and
 - (b) by deleting subsection (4) and substituting therefor the following new subsection –
 - (4) A political party that is dissatisfied by the decision of the Commission under subsection (1) may appeal to the High Court.

CLAUSE 8

THAT the Bill be amended by deleting clause 8 and substituting therefor the following new clause –

Savings and transition.

- 8.** On the commencement of this Act –
- (a) all the funds, assets and other property movable and immovable which immediately before that day, were held in the name of the Office of the Registrar of Political Parties shall, without further assurance, vest in the Commission;

- (b) all rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before that day were vested in, imposed on or enforceable by or against the Office of the Registrar of Political Parties shall, be transferred to, vested in, imposed on or enforceable by or against the Commission;
- (c) all actions, suits or legal proceedings pending by, against or before the Office of the Registrar of Political Parties shall be carried on or prosecuted by, against or before the Commission;
- (d) all records kept, certificate issued, actions taken and decisions made by the Office of the Registrar of Political Parties shall, deemed to have been kept, issued or made by the Commission;
- (e) a person who immediately before that day was a member of staff of the Office of the Registrar of Political Parties shall be deemed to be a member of staff of the Commission and shall continue to serve under the same terms and conditions.

NEW CLAUSE 2A

THAT the Bill be amended by inserting the following new clause immediately after clause 2 –

Amendment of section 21 of Cap. 7D.	2A. Section 21 of the principal Act is amended by deleting subsection (7) and substituting therefor the following new subsection –
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(7) A political party which is dissatisfied with the decision of the Commission under subsections (1) or (2) may appeal to the High Court against the decision.

NEW CLAUSE 4A

THAT the Bill be amended by inserting the following new clause immediately after clause 4 –

Amendment of section 32 of Cap. 7D.	4A. Section 32 of the principal Act is amended by –
	(a) deleting subsection (1) and substituting therefor the following new subsection –
	(1) The Commission shall keep proper books of account of the income, expenditure and assets of the Commission.

- (b) by deleting subsection (2) and substituting therefor the following new subsection –
 - (2) Within a period of three months after the end of a financial year, the Commission shall submit to the Auditor-General, the accounts of the Commission together with—
 - (a) a statement of the income and expenditure of the Commission during that year; and
 - (b) a statement of the assets and liabilities of the Commission during that year.

NEW CLAUSE 6 A

THAT the Bill be amended by inserting the following new clause immediately after clause 6 –

Repeal of **6A.** The principal Act is amended by repealing section 34A section 34A. of Cap. 7D.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 7 –

Repeal of **7A.** The principal Act is amended by repealing section 36 of section 36. Cap. 7D.

Repeal of **7B.** The principal Act is amended by repealing section 37 of section 37. Cap 7D.

Amendment of section 38 of Cap 7D. **7C.** Section 38 of the principal Act is amended in subsection (3) by inserting the words “Independent Electoral and Boundaries” immediately after the words “between the Registrar”.

Amendment of section 40 of Cap. 7D. **7D.** Section 40 of the principal Act is amended in subsection (1) by deleting paragraph (f).

Repeal and substituting of the Sixth Schedule. **7E.** The principal Act is amended by repealing the Sixth Schedule and substituting therefor the following new schedule –

SIXTH SCHEDULE (s. 33G)

MEETINGS AND PROCEDURE OF THE COMMISSION

1. Meetings

(1) The Commission shall decide when and where it meets and the meetings shall be convened by the chairperson.

(2) The Commission shall have at least four meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting.

(3) Unless three members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member.

(4) A meeting shall be presided over by the chairperson or in the absence of the chairperson, by the vice-chairperson.

(7) The Commission may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Commission.

2. Committees of the Commission

(1) The Commission may, from time to time, establish committees for the better carrying out of its functions.

(2) The Commission may—

(a) co-opt into the membership of a committee established under subsection (1) other persons whose knowledge and skills are necessary for the functions of the Commission;

(b) hire such experts or consultants as are necessary for the functions of the Commission.

3. Conflict of interest

(1) If any person has a personal or fiduciary interest in any matter before the Commission, and is present at a meeting of the Commission or any committee at which any such matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A person who contravenes subparagraph (1) commits an offence.

(4) No member or staff of the Commission shall transact any business or trade with the Commission.

3. Quorum

Subject to subparagraph (2), the quorum of the meeting shall be three members.

4. Voting

A question before the Commission shall be decided with a supporting vote majority of the members present.

5. Rules of procedure and minutes

The Commission shall—

- (a) determine rules of procedure for the conduct of its business; and
- (b) keep minutes of its proceedings and decisions.

II. NOTICE is given that the Senator for Vihiga County (Sen. Godfrey Osotsi, MP) intends to move the following amendments to the Political Parties (Amendment) (No. 2) Bill (Senate Bills No. 26 of 2024), at the Committee Stage —

CLAUSE 5

THAT clause 5 of the Bill be amended –

- (a) in the proposed new section 33(2) by –
 - (i) deleting paragraph (e); and
 - (ii) deleting paragraph (k).
- (b) in the proposed new section 33B by –
 - (i) deleting the words “the National Assembly” appearing immediately after the words “approval of the” in subsection (1) and substituting therefor the word “Parliament”; and
 - (ii) inserting the words “and on part-time basis” immediately after the words “six years” in subsection (3);
- (c) by deleting the proposed new section 33C and substituting therefor the following new sections –

Vacancy in the office of a member of the Commission.

33C. (1) The office of a member of the Commission shall become vacant if the holder—

- (d) dies;
- (e) resigns from office by notice in writing addressed to the President; or
- (f) is removed from office for –
 - (i) serious violation of the Constitution or any other law;
 - (ii) gross misconduct whether in the performance of the member’s or office holder’s functions or otherwise;
 - (iii) physical or mental incapacity to perform the functions of office;
 - (iv) incompetence; or
 - (v) bankruptcy.

(2) The President shall publish a notice of a vacancy in the Gazette within seven days of the occurrence of such vacancy.

(3) Whenever a vacancy arises under subsection (1), the nominating body shall, within sixty days from the date of publication of the vacancy, competitively recruit and submit the name of the nominee to the President for appointment.

Appointment of the secretary.

33D. (1) There shall be a secretary to the Commission who shall be competitively recruited and appointed by the Commission.

(2) The secretary shall be –

(c) the chief executive officer of the Commission; and

(d) the head of the secretariat and shall be responsible to the Commission.

(3) A person shall be qualified for appointment as a secretary to the Commission if the person—

(f) is a citizen of Kenya;

(g) holds a degree from a university recognized in Kenya;

(h) has had at least ten years proven experience at management level;

(i) has extensive experience in public administration; and

(j) meets the requirements of Chapter Six of the Constitution.

(4) The secretary shall hold office for a term of five years and shall be eligible for re-appointment for a further term of five years.

Removal of the secretary.

33E. (1) The secretary may be removed from office by the Commission in accordance with the terms and conditions of service for—

(f) inability to perform the functions of the office of secretary arising out of physical or mental incapacity;

(g) gross misconduct or misbehaviour;

(h) incompetence or neglect of duty;

(i) violation of the Constitution; or

(j) any other ground that would justify removal from office under the terms and conditions of service.

(2) Before the secretary is removed under subsection (1), the Secretary shall be given—

(c) sufficient notice of the allegations made against him or her; and

(d) an opportunity to present his or her defence against the allegations.

Powers of the Commission to appoint staff. **33F.** The Commission shall have the power to appoint such other staff as may be necessary for the proper discharge of its functions under this Act and on such terms and conditions of service as the Commission may determine in consultation with the Salaries and Remuneration Commission.

NEW CLAUSE 6A

THAT the Bill be amended by inserting the following new clause immediately after clause 6 –

Repeal of **6A.** The principal Act is amended by repealing section 34A of section 34A. Cap. 7D.

E. *THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)

(Sen. Hamida Ali Kibwana, MP)

NOTICE is given that the Chairperson, Standing Committee on Finance and Budget, intends to move the following amendments to the Public Finance Management (Amendment) Bill (Senate Bills No. 40 of 2023), at the Committee Stage-

CLAUSE 2

THAT the Bill be amended by deleting clause 2 and substituting therefore the following new clause-

Insertion of new sections in Cap. 412A

2. The principal Act is amended by inserting the following new sections immediately after section 160 —

Establish a Revenue Collection System Committee which shall consist of-

160A. (1) There is established a Revenue Collection System Committee which shall consist of-

- e. (a) the Cabinet Secretary or a person designated in writing;
- (b) the Principal Secretary for matters related to Devolution;
- (c) the Controller of Budget or a person designated in writing;
- (d) the Commissioner General of the Kenya Revenue Authority or a person designated in writing; and
- (e) two persons nominated by the Council of Governors.

(2) The Committee shall, within nine months of the coming into force of this Act, design, develop and coordinate integrated county revenue system which shall—

- (a) be transparent, efficient, effective and verifiable;
- (b) ensure data accuracy and protection;

...../Notice of Amendments

(c) respect and promote the distinctiveness of the national and county governments;

(d) be adequately secure to prevent any fraud, losses or leakages; and

(e) provide for separate accounting and reporting

(3) Within three months of the development of the system under subsection (3), each county government shall adopt and implement the integrated county revenue management system

Reports. **160B.** (1) A county treasury shall prepare and submit a quarterly report on the status of the adoption and implementation of the integrated county revenue management system.

(2)A report under subsection (1) shall be submitted to the respective county assembly, the Senate and the Controller of Budget.

CLAUSE 3

THAT clause 3 of the Bill be amended in the proposed new section 191F (1) by inserting the words “in consultation with the respective county executive committee member” immediately after the words “Cabinet Secretary shall”.

F. **THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL
(SENATE BILLS NO. 12 OF 2024)**

(The Senate Majority Leader)

NOTICE is given that the Chairperson Standing Committee on Devolution and Intergovernmental Relations intends to move the following amendments to the Intergovernmental Relations (Amendment) Bill (Senate Bills No. 12 of 2024) at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended—

- (a) in paragraph (d) in the proposed new sub-section (4) (a) by inserting—
 - i. the words “in law, humanities or social sciences” immediately after the words “a Master’s degree”;
 - ii. the following new paragraph immediately after paragraph (c)
 - (d) has at least 15 years working experience, ten of which should have been held in a managerial position;
- (b) in paragraph (e) by deleting the proposed new section 5(b) and substituting therefor the following new paragraph –

(b) has knowledge and experience of at least ten years in matters relating to —

- i. law;
- ii. public administration;
- iii. alternative Dispute Resolution;
- iv. economics;
- v. finance;
- vi. human rights;
- vii. management; or
- viii. social sciences;

CLAUSE 4

THAT clause 4 of the Bill be amended—

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph-
 - (a) The Agency shall be responsible for the day to day administration of the Summit and in particular—
 - (i). facilitate the activities of the Summit; and
 - (ii). implement the decisions of the Summit.
- (b) in paragraph (b) by inserting the following new paragraph immediately after paragraph (ci)—
 - (cj) undertake research on intergovernmental matters.

CLAUSE 6

THAT clause 6 of the Bill be deleted and substituted with the following new clause—

6. Section 13 of the principal Act, is amended-

- (i). in subsection (1) by deleting the words “Technical Committee” appearing at the beginning of the subsection and substituting therefor the word “Agency”;
- (ii). by inserting the following new subsection immediately after subsection (1)—

1A. The Council of Governors may establish and convene sector forums on sectoral issues of common interest among county governments.

CLAUSE 12

THAT clause 12 of the Bill be amended in the proposed new Section 20A (1) by inserting the following new paragraph immediately after paragraph (a)—

(aa) Monies allocated annually by Parliament for the purposes of the Council.

CLAUSE 13

THAT clause 13 of the Bill be amended-

- (a) in the new proposed new section 23C by deleting the words “the it can only be staff of the council secretariat” appearing in the marginal note;
- (b) by inserting a new Section immediately after the proposed new section 23C-
23CA. The staff serving in the Council shall at the commencement of this Act be deemed to be staff of the Council as provided for under section 23C;
- (c) in the proposed new section 23E (3)-
 - (i). by inserting the following new paragraph immediately after paragraph (b)-
(ba). a Secretary General who shall be a member of a County Assembly;
 - (ii). by deleting the word “seven” appearing at the beginning of paragraph (c) and substituting therefor the word “Six” ;
- (d) in the proposed new section 23F(1) –
 - (i). by inserting the word “resolution” immediately after the words “facilitating disputes” in paragraph (c);
 - (ii). by inserting the following new paragraphs immediately after paragraph (e)-
(f). representing County Assemblies in all engagements with Intergovernmental Forums;

(g). considering reports from other intergovernmental forums on matters affecting County Governments;

(e) in the proposed new Section 23G (1) by inserting the following new paragraph immediately after paragraph (a)—

(aa) Monies allocated annually by Parliament for the purposes of the Forum.

(f) In the proposed new Section 23K by deleting the words “for— - where has this entity come from?” appearing immediately after the words “conditions of service”.

CLAUSE 17

THAT clause 17 of the Bill be deleted.

G. **THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

(NATIONAL ASSEMBLY AMENDMENTS)

NOTICE is given that the National Assembly made the following amendments to the Cotton Industry Development Bill (Senate Bills No. 5 of 2023).

LONG TITLE

THAT, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to provide for the regulation, production, value addition, marketing and distribution of cotton in Kenya and its products; establish the Cotton Industry Development Board, provide a framework for cotton farming; ensure value addition to cotton and its related products; and for connected purposes”.

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

(a) by inserting the following new definitions in their proper alphabetical sequence—

“collection centre” means centres designated by county governments to serve as buying stations for cotton;

“cotton plant” means *Gossypium ssp* and its varieties;

“ginning” means the process of removing cotton seed from the cotton balls;

“processing” means the process of value addition to cotton, cotton seed or cotton by-products and includes cleaning, grading, spinning, weaving or knitting; and

“spinning” means the process of producing yarns from extracted cotton fibre;

(b) by deleting the definition of “Cotton industry” and substituting therefor the following new definition—

“Cotton industry” includes growers, ginners, spinners, cotton value addition industries and marketers;

CLAUSE 3

THAT, Clause 3 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) to promote a globally competitive cotton industry through regulation in collaboration with the County Governments;”.

...../Notice of Amendments

CLAUSE 7

THAT, Clause 7 of the Bill be amended—

- (a) in subclause (1)—
 - (i) by deleting paragraph (c) and substituting therefore the following new paragraph—

“(c) The Principal Secretary responsible for matter relating to Industrialization”
 - (ii) by inserting a new paragraph immediately after paragraph (c)—

“(ca) the Principal Secretary responsible for National Treasury”
- (b) by inserting the following new subclause immediately after subclause (3)—

“(4) In making appointments of members to the Board, the appointing authority shall observe the principle of gender balance.”

CLAUSE 11

THAT, Clause 11 of the Bill be amended in sub clause (1)—

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) regulate and promote the development of the cotton industry;”
- (b) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) regulate and promote import and export of cotton products and by-products;”
- (c) by deleting paragraph (g) and substituting therefor the following new paragraph—

“(g) in consultation with the Kenya Bureau of Standards and other relevant institutions, formulate standards and code of practice acceptable in international markets to ensure the competitiveness and reliability of the country as a producer of cotton products.”
- (d) by deleting paragraph (n);
- (e) by deleting paragraph (o) and substituting therefor the following new paragraph—

“(o) establish linkages with other government agencies and research institutions to enhance quality assurance and research and facilitate flow of research findings to the interested parties;”
- (f) by deleting paragraph (p) and substituting therefor the following new paragraph—

“(p) liaise with the national agricultural research systems to develop suitable and affordable cotton seeds;”

CLAUSE 14

THAT, Clause 14 of the Bill be amended by deleting the words “fees or allowance” appearing immediately after the word “remuneration”.

CLAUSE 17

THAT, Clause 17 of the Bill be amended in paragraph (c) by inserting the word “of” immediately after the word “contravention”.

CLAUSE 23

THAT, Clause 23 of the Bill be amended—

- (a) in subclause (1)—
 - (i) by deleting paragraph (b);
 - (ii) by deleting paragraph (c);
 - (iii) by deleting paragraph (d); and
 - (iv) by deleting paragraph (e) and substituting therefor the following new paragraph—
 - “(e) promote the organisation of cotton farmers cooperatives, associations and link them with credit and financing support;”
- (b) in subclause (2)—
 - (i) by deleting paragraph (b);
 - (ii) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - “(c) promote production and productivity of cotton in the respective county;”
 - (iii) by deleting paragraph (d) and substituting therefor the following new paragraph—
 - “(d) offer extension services on cotton production and processing;”
 - (iv) by deleting paragraph (e);
 - (v) by deleting paragraph (f) and substituting therefor the following new paragraph—
 - “(f) provide training and dissemination of information to cotton farmers and processors on technologies, innovations and management practices”
 - (vi) by deleting paragraph (g);
 - (vii) by deleting paragraph (h) and substituting therefor the following new paragraph—
 - “(h) promote farm productivity through suitable seed varieties and integrated cotton farming systems;”
 - (viii) by deleting paragraph (i);
 - (ix) by deleting paragraph (j);
 - (x) by deleting paragraph (m) and substituting therefor the following new paragraph—
 - “(m) establish cotton collection aggregation centres in collaboration with the national government;”
 - (xi) by deleting paragraph (n);
 - (xii) by deleting paragraph (o) and substituting therefor the following new paragraph—
 - “(o) link cotton farmers with agricultural mechanization centres for affordable machinery;”
 - (xiii) by deleting paragraph (p) and substituting therefor the following new paragraph—

- “(p) link the farmers with affordable farm inputs.
- (xiv) by deleting paragraph (q) and substituting therefor the following new paragraph—
 - “(q) carry out other functions as may be conferred upon by this law or any other written law.”
- (c) by deleting subclause (3).

CLAUSE 24

THAT, Clause 24 of the Bill be amended—

- (a) in subclause (1), by deleting the words “for the better carrying out of the functions under this Act,” appearing immediately before the word “committee”;
- (b) in subclause (2), by deleting the words “that the county executive committee member shall deem fit” appearing immediately after the word “county”;
- (c) in subclause (3), by deleting the words “executive committee member” appearing immediately after the word “county”;
- (d) by deleting subclause (4);
- (e) by deleting subclause (5);
- (f) by deleting subclause (6); and
- (g) by deleting subclause (7).

CLAUSE 25

THAT, Clause 25 of the Bill be amended—

- (a) by deleting subclause (3);
- (b) by deleting subclause (4), and substituting therefor the following new sub-clause—
 - “(4) A registered cooperative society or cotton association shall submit a register of its members to the respective county government and shall furnish the county government with information on any changes of its membership within thirty(30) days of a change in membership”;
- (c) in subclause (5), by deleting the words “under subsection (1)” appearing immediately after the word “applicant” and substituting therefor the words “underthis section”;
- (d) in subclause (6), by deleting the words “subsection (1)” appearing immediately after the word “under” and substituting therefor the words “this section”;
- (e) in subclause (7)—
 - (i) by deleting the words “subsection (6)” appearing in the opening statement and substituting therefor the words “ this section”; and
 - (ii) by deleting the words “or that” appearing immediately after the word “business” in paragraph (b);
- (f) in subclause (8), by deleting the words “under subsection (6)” appearing immediately after the word “register”;
- (g) in subclause (10), by deleting the words “subsection (1)” appearing immediately after the word “under” and substituting therefor the words “this section”;

CLAUSE 26

THAT, Clause 26 of the Bill be amended—

- (a) by deleting the marginal note and substituting the following new marginal note—
 “Licensing of ginner, spinners and processors.”
- (b) in sub-clause (1) by inserting the word “processing” immediately after the word “spinning”;
- (c) by deleting subclause (2) and substituting the following new subclause—
 “(2) A person who intends to engage in the business of cotton ginning, spinning, processing or value addition and has been registered by the respective County Government for that purpose shall submit an application in the prescribed form to the Board together with—
 (a) such documents and information as the Board may prescribe; and
 (b) the prescribed fees;”
- (d) in sub-clause (3) by deleting the words “a county executive committee member” and substituting therefore the word “The Board”;
- (e) by deleting subclause (5) and substituting therefor the following new subclause —
 “(5) Where the Board refuses to grant an application for a licence, the Board shall specify the reasons for the refusal”
- (f) by deleting sub-clause (6) and substituting therefor the following new subclause—
 “(6) The Board shall, at least thirty days before granting a new licence under this Act, publish a notice of the proposed grant by notice in the gazette and in such other manner as the Board may determine.”
- (g) in subclause (7), by deleting the words “county executive committee member” and substituting therefor the word “Board”;
- (h) by deleting subclause (8) and substituting therefor the following new subclause—
 “(8)The Board shall consider any objection and may grant the licence applied for subject to such terms and conditions as the Board may consider appropriate.”; and
- (i) in subclause (10), by deleting the words “of subsection (1)” appearing immediately before the word “commits” and replacing therefor the word “this section”.

CLAUSE 27

THAT, Clause 27 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause—
 “(1) The Board may refuse to grant a licence where the application does not comply with the requirements imposed under this Act.”; and
- (b) by deleting sub-clause (2) and substituting therefor the following new subclause—

“(2) The Board shall notify the applicant of the decision within fourteen days of such refusal.”

CLAUSE 28

THAT, Clause 28 of the Bill be amended—

- (a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement—
 “(1) The Board may revoke license under this Act if the licensee—”; and
- (b) by deleting the opening statement in subclause (2) and substituting therefor the following new opening statement—
 “The Board shall not revoke a licence unless the Board—“

CLAUSE 29

THAT, clause 29 of the Bill be amended—

- (a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement—
 “(1) A compliance notice issued under subsection 28(2)(b) shall—”
- (b) by deleting subclause (2) and substituting therefor the following new subclause—
 “(2) The Board may, upon request by the licensee and, where there are sufficient grounds shown by the licensee, extend the period of compliance for such period as the Board may consider necessary to ensure compliance”

CLAUSE 30

THAT, Clause 30 of the Bill be amended—

- (a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement—
 “(1) Where a person who receives compliance notice under section 29 fails to comply with such notice, the Board may—”
- (b) by deleting subclause (2) and substituting therefor the following new subclause—
 “(2) For purposes of this Act, a revocation of licence takes effect on the date on which the licence is revoked by the Board.”

CLAUSE 32

THAT, Clause 32 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause;

“(1) The county government shall designate collection centres in consultation with cotton growers and other stakeholders.”

(b) in subclause (2)—

(i) by deleting the words “county executive committee member” and substituting therefor the words “county government;” appearing in the opening statement ; and

(ii) in paragraph (a) by deleting the words “Cabinet Secretary” and substituting therefor the word “Board”.

CLAUSE 33

THAT, Clause 33 of the Bill be amended—

(a) by deleting sub-clause (3);

(b) by deleting sub-clause (4);

(c) by deleting sub-clause (5);

(d) in sub-clause (6) by deleting the word “subsection (2)” appearing immediately after the word “under” and substituting therefor the words “subsection (6)”;

(e) by deleting sub-clause (7);

(f) in clause (9) by deleting the words “subsection (4)” appearing immediately after the word “under” and substituting therefore the words “subsection (6)”;

(g) by deleting subclause (10) and substituting therefore the following new subclause—

“(10) A person who is not satisfied with the decision of the Board may appeal to the Cabinet Secretary; and where such a person is not satisfied with the decision of the Cabinet Secretary, shall appeal to the High Court.

CLAUSE 34

THAT, Clause 34 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

“(1) A license issued under this Act shall be valid for a period of one year from the date it was issued.”;

(b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2)A person who intends to renew a license under sub-section (1) shall submit an application to the Board in the prescribed form at least thirty days before the date of expiry of the current license”.

(c) in subclause (3) by deleting the words “section 32” and substituting therefor the words “section 33” .

CLAUSE 35

THAT clause 35 of the Bill be amended—

(a) in subclause (1) by deleting the opening statement and substituting therefor the following new opening statement—

“(1) The Board may revoke a licence issued or renewed under this Act if the licensee—”

(b) in sub-clause (2) by deleting the opening statement and substituting therefor the following new opening statement—

“(2) The Board may revoke a licence issued under subsection (1) unless the Board—“.

CLAUSE 36

THAT Clause 36 of the Bill be amended in subclause (1) by deleting the words “section 34(2)” appearing immediately after the word “under” and substituting therefor the words “section 35(2)(b)”

CLAUSE 37

THAT, Clause 37 of the Bill be amended—

(a) in subclause (1) by deleting the words “section 34” appearing immediately after the word “under” and substituting therefor the words “section 36”;

(b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) For purposes of this Act, a revocation of licence takes effect on the date on which the licence is revoked by the Board.”

CLAUSE 38

THAT, Clause 38 of the Bill be amended by inserting the following a new subclause immediately after subclause (1)—

“(2) The Board shall apply the money received under this section for the furtherance of the objects and performance of the functions of the Board.”

CLAUSE 39

THAT, Clause 39 of the Bill be amended by deleting the words “the county government” appearing immediately after the word “Board”.

CLAUSE 42

THAT, Clause 42 of the Bill be amended in subclause (3), by deleting the words “the National Assembly and the Senate” appearing before the word “to” and substituting therefor the word “Parliament”.

CLAUSE 45

THAT, Clause 45 of be Bill be deleted.

CLAUSE 46

THAT, Clause 46 of the Bill be amended in subclause (1) by deleting the words “twenty thousand” and substituting therefor the words “one hundred thousand”.

CLAUSE 47

THAT, Clause 47 of the Bill be amended in subclause (2) by deleting the words “under section 7(1)(c)” appearing in paragraph (a).

CLAUSE 49

THAT, Clause 49 of the Bill be amended by deleting the word “*Gossypium aap*” appearing and substituting therefor the words “*Gossypium ssp*”.

CLAUSE 55

THAT, Clause 55 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “made by the” and substituting therefor the word “Board”.

FIRST SCHEDULE

THAT, the First Schedule to the Bill be amended—

- (a) in paragraph 1 (1)—
 - (i) by deleting the word “ten” appearing immediately after the word “least” and substituting therefor the word “four”;
 - (ii) by deleting the word “two” appearing immediately after the word “than” and substituting therefor the word “four”
- (b) in sub-paragraph (2), by deleting the words “and such places” appearing immediately before the word “as” and substituting therefor the words “at the headquarters or elsewhere in Kenya”.
- (c) in paragraph (5) by deleting the word “subsection” wherever it occurs and substituting therefor the word “sub-paragraph”

APPENDIX**1. PAPERS**

- i) Report of the Standing Committee on Labour and Social Welfare on its consideration of the Sports (Amendment) Bill (Senate Bills No. 33 of 2024.
- ii) Report of the Standing Committee on Labour and Social Welfare on its consideration of the Public Fundraising Appeals Bill (Senate Bills No. 36 of 2024.

(The Chairperson, Standing Committee on Labour and Social Welfare)

2. QUESTIONS AND STATEMENTS**a) Statements Pursuant to Standing Order 53 (1)**

- i) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the welfare of police officers during transfer and retirement.
- ii) The Senator for Murang'a County (Sen. Joe Nyutu, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the ban of export of macadamia nuts by the Ministry of Agriculture and Livestock Development.
- iii) The Senator for Murang'a County (Sen. Joe Nyutu, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the plight of the Kenya National Amputee Women's Football team.
- iv) The Senator for Kisumu City County (Sen. (Prof.) Tom Ojienda, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the devastation caused by a hailstorm in Nyakach Sub-County in Kisumu County.
- v) Nominated Senator (Sen. Joyce Korir, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the implementation of the National Tree Planting Initiative in Kenya.

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, 26th November, 2024.

...../Notice Paper

NOTICE PAPER

Business for Thursday, November 21, 2024

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following business to appear in the Order Paper for Thursday, November 21, 2024.

JOINT SITTING OF PARLIAMENT - PRESIDENTIAL ADDRESS PURSUANT TO ARTICLE 132(1) (b) and (c) OF THE CONSTITUTION
