



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, MARCH 12, 2025 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. ******THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO. 36 OF 2024)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of debate interrupted on Thursday, 28th November, 2024)
(Division)
9. ***THE ENVIRONMENT LAWS (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2024)**
(Sen. Abdul Haji, MP)
(Second Reading)
(Resumption of debate interrupted on Thursday, 13th February, 2025)
(Division)
10. ***THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2024)**
(Sen. Esther Okenyuri, MP)
(Second Reading)
(Resumption of debate interrupted on Thursday, 13th February, 2025)
(Division)
11. **MOTION - REPORT OF THE MEDIATION COMMITTEE ON THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)**
(Vice- Chairperson, Mediation Committee)

...../Motion

THAT, the Senate adopts the Report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023), laid on the table of the Senate on Thursday, 5th December, 2024 and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

***(Resumption of debate interrupted on Thursday, 27th February, 2025)
(Division)***

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

(Second Reading)

***(Resumption of debate interrupted on Tuesday, 11th March, 2025)
(Division)***

13. **MOTION - CONSIDERATION OF THE JOINT REPORT OF THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS AND THE SENATE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON ITS CONSIDERATION OF THE REPORT OF THE NATIONAL DIALOGUE COMMITTEE (NADCO) AND THE REPORT OF THE MULTI-SECTORAL WORKING GROUP ON THE REALIZATION OF THE TWO-THIRDS GENDER PRINCIPLE**

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

THAT, the Senate adopts the Joint Report of the National Assembly Departmental Committee on Justice and Legal Affairs and the Senate Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Report of the National Dialogue Committee (NADCO) and the Report of the Multi-Sectoral Working Group on the realization of the Two-thirds Gender Principle, laid on the Table on Thursday, 13th February, 2025.

14. **COMMITTEE OF THE WHOLE**
***THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)**
(Sen. Eddy Oketch, MP)

15. **COMMITTEE OF THE WHOLE**
***THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)**
(Sen. Edwin Sifuna, MP)

16. **COMMITTEE OF THE WHOLE**
***THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)**
(Sen. Mohamed Chute, MP)

17. **COMMITTEE OF THE WHOLE**
****THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**
(The Chairperson, Standing Committee on Energy)

18. **COMMITTEE OF THE WHOLE**
******THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)**
(The Senate Majority Leader)
19. **COMMITTEE OF THE WHOLE**
*****THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)**
(The Senate Majority Leader)
20. ******THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 27 OF 2024)**
(The Senate Majority Leader)
(Second Reading)
21. ***THE COUNTY GOVERNMENTS (STATE OFFICERS REMOVAL FROM OFFICE) PROCEDURE BILL (SENATE BILLS NO. 34 OF 2024)**
(Sen. Karungo Thang'wa, MP)
(Second Reading)
22. ***THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILLS NO. 30 OF 2024)**
(Sen. Eddy Oketch, MP)
(Second Reading)
23. ***THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL (SENATE BILLS NO. 32 OF 2024)**
(Sen. (Dr.) Lelegwe Ltumbesi, MP)
(Second Reading)
24. ***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2024)**
(Sen. George Mbugua, MP)
(Second Reading)
25. ***THE COUNTY LIBRARY SERVICES BILL (SENATE BILLS NO. 40 OF 2024)**
(Sen. Joyce Korir, MP)
(Second Reading)
26. **MOTION - ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA**
(Sen. Johnes Mwaruma, MP)

THAT, AWARE THAT Article 43 (1) (a) of the Constitution of Kenya provides that every person has the right to the highest attainable standard of health, including reproductive health care;

...../*Motion*

NOTING THAT in Kenya, we have five National Teaching and Referral hospitals with Kenyatta University Research and Teaching Hospital in Kiambu County and Moi Teaching and Referral Hospital in Eldoret, Uasin Gishu County being the only ones outside Nairobi County;

CONCERNED THAT the bed capacity, medical equipment and human capital in these National Teaching and Referral hospitals are not sufficient to absorb all the patients seeking specialized treatment;

FURTHER CONCERNED THAT many Kenyans with critical health conditions travel long distances in order to access specialized services in Moi Teaching and Referral Hospital in Eldoret or Nairobi where the other four National Teaching and Referral hospitals are located, leading to high cost of travel, augmented disease and in some cases deaths along the way;

NOW THEREFORE the Senate urges-

1. The Ministry of Health to:
 - i. Establish National Teaching and Referral hospitals in the Coast, Eastern, North Eastern, Nyanza and Western regions; and
 - ii. Fully equip the National Teaching and Referral Hospitals with modern medical equipment, medical supplies and personnel; and
2. The County Governments to allocate more funds to their respective health dockets to adequately facilitate their County Level 5 and Level 6 hospitals in order to enhance provision of critical health services to reduce the demand for such services from the National Teaching and Referral Hospitals.

27. **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;

...../Motion

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.

NOTICE

The Senate resolved on 13th February, 2025 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 EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)

(Sen. Eddy Oketch, MP)

NOTICE is given that the Chairperson, Standing Committee on Education intends to move the following amendments to the Early Childhood Education Bill (Senate Bills No. 54 of 2023), at the Committee Stage—

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the proposed subsection (2A) and substituting therefor the following new subsection —

(2A) A County Government shall take into account the following factors when determining the remuneration payable to an early childhood education teacher —

- (a) the minimum rate advised by the Salaries and Remuneration Commission;
- (b) minimum wage;
- (c) the qualification of individual teachers; and
- (d) any other relevant factor.

B. *THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL, SENATE BILLS NO. 6 OF 2023

(Sen. Mohamed Chute, MP)

NOTICE is given that the Chairperson, Standing Committee on Devolution and Intergovernmental Relations intends to move the following amendments to the County Assembly Services (Amendment) Bill (Senate Bills No. 6 of 2023), at the Committee Stage—

CLAUSE 4

THAT the Bill be amended by deleting Clause 4.

CLAUSE 5

THAT the Bill be amended by deleting Clause 5.

C. *THE LOCAL CONTENT (AMENDMENT) BILL, 2023 (SENATE BILL NO. 50 OF 2023)

(The Chairperson, Standing Committee on Energy)

NOTICE is given that the Chairperson, Standing Committee on Energy, intends to move the following amendments to the Local Content (Amendment) Bill (Senate Bill No. 50 of 2023), at the Committee Stage—

CLAUSE 7

THAT clause 7 of the Bill be amended in paragraph (b) by —

- (a) deleting subparagraph (iii);
- (b) deleting the words “and implementation” in subparagraph (iv) appearing immediately after the words “the development; and
- (c) deleting subparagraph (v) and substituting therefor the following new subparagraph—
 - (v) provision of guidelines to ensure local content activities shall include the participation of local persons at a quota of not less than thirty percent.

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (1) by —

- (a) inserting the word “relevant” immediately after the words “advise the” in paragraph (b); and
- (b) inserting the word “relevant” immediately after the words “recommendations to the” in paragraph (c).

CLAUSE 11

THAT clause 11 of the Bill be amended in paragraph (a) by deleting the word “six” appearing immediately after the words “period of” and substituting therefor the word “twelve”.

CLAUSE 12

THAT clause 12 of the Bill be amended in subclause (1) by —

...../Notice of Amendments

- (a) deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) a chairperson who shall be competitively recruited by the Public Service Commission and appointed by the President by notice in the *Gazette*.
- (b) deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) the Principal Secretary responsible for matters relating to mining or a representative designated in writing;
- (c) deleting paragraph (f) and substituting therefor the following new paragraphs—
 - (f) one person nominated by players in the oil and gas industry in such a manner as the Cabinet Secretary responsible for matters related to oil and gas shall determine;
 - (fa) one person nominated by players in the mining industry in such a manner as the Cabinet Secretary responsible for matters related to mining shall determine;
- (d) deleting subclause (2) and substituting therefor the following new subclause—
 - (2) The persons nominated under subclause (1)(f) and (fa) shall be appointed by the relevant Cabinet Secretary by notice in the *Gazette*.
- (e) deleting subclause (3) and substituting therefor the following subclause—
 - (3) There shall be paid to the members of the Committee such allowances as the Cabinet Secretaries responsible for matters related to petroleum, oil and mining may, in consultation with the Salaries and Remuneration Commission, determine.

CLAUSE 16

THAT clause 16 of the Bill be amended in subclause (1) by —

- (a) inserting the word “relevant” in paragraph (e) immediately after the words “addressed to the”; and
- (b) inserting the word “relevant” in paragraph (f) immediately after the words “office by the”.

CLAUSE 19

THAT clause 19 of the Bill be amended by deleting clause 19 and substituting therefor the following new clause—

Secretariat. **19.** (1) The relevant Cabinet Secretaries responsible for matters related to the extractive industry shall designate an appropriate administrative unit that includes representation from each of their respective Ministries to serve as the Secretariat of the Committee.

(2) The Secretariat shall consist of —

(a) a director, who shall be competitively recruited and appointed by the Public Service Commission.

(b) such other public officers from each relevant Ministry responsible for matters related to the extractive industry as the Cabinet Secretaries shall, in consultation with the Committee, designate for the proper performance of the functions of the Secretariat under this Act.

(3) Without prejudice to subsection (2), a person is qualified to be appointed as a director, if that person—

(a) is a citizen of Kenya;

(b) holds a degree in matters related to oil, gas and mining from a university recognized in Kenya;

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

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

(4) Director shall hold office for a term of four years, renewable for one further term.

CLAUSE 21

THAT clause 21 of the Bill be amended in subclause (1) by inserting the word “relevant” immediately before the words “Cabinet Secretary”.

CLAUSE 22

THAT clause 22 of the Bill be amended in subclause (5) by inserting the word “relevant” in paragraph (f) immediately after the words “plans as the”.

CLAUSE 24

THAT clause 24 of the Bill be amended by deleting the introductory clause of subclause (1) and substituting therefor the following new introductory clause—

- (1) The Committee shall prescribe rules on local content certification and in doing shall—

CLAUSE 28

THAT clause 28 of the Bill be amended in subclause (2) by inserting the word “relevant” in paragraph (c) immediately after the words “prescribed by the”.

CLAUSE 30

THAT clause 30 of the Bill be amended in —

- (a) subclause (1) by inserting the word “relevant” immediately before the words “Cabinet Secretary”; and
- (b) subclause (2) by inserting the word “relevant” immediately before the words “Cabinet Secretary”.

CLAUSE 31

THAT clause 31 of the Bill be amended in the introductory clause by inserting the word “relevant” immediately before the words “Cabinet Secretary shall”.

CLAUSE 37

THAT clause 37 of the Bill be amended in —

- (a) subclause (1) by inserting the word “relevant” immediately after the words “operator as the”;
- (b) subclause (3) by inserting the words “relevant” immediately after the words “in consultation with the”.

CLAUSE 43

THAT clause 43 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause –

(2) Despite subsection (1), where the goods or services required in relation to an extractive activity are not available locally, the relevant Cabinet Secretary may, subject to such conditions as the relevant Cabinet Secretary may impose, authorise the continued importation of the required goods or service.

CLAUSE 44

THAT clause 44 of the Bill be amended in —

- (a) subclause (2) by inserting the word “relevant” immediately after the words “consultation with the”; and
- (b) subclause (3) by inserting the word “relevant” immediately after the words “prescribed by the”.

CLAUSE 45

THAT clause 45 of the Bill be amended in subclause (1) by inserting the word “relevant” immediately after the words “provisions of this Act, the”.

CLAUSE 47

THAT clause 47 of the Bill be amended by —

- (a) deleting subclause (2) and substituting therefor the following new subclause—
 - (2) An operator shall annually remit a tax-deductible training levy consisting of such percentage of its net revenues as the relevant Cabinet Secretary may, in consultation with the Committee, prescribe to the Fund in support of the objectives of this Act.
- (b) by deleting subclause (3) and substituting therefor the following new subclause—
 - (3) The Cabinet Secretary responsible for matters relating to mining shall, in consultation with the Cabinet Secretary responsible for matters relating to oil, gas and other petroleum resources and the Committee, prescribe in regulations under the Act the manner in which the Fund shall be operated and applied.

CLAUSE 48

THAT clause 48 of the Bill be amended in subclause (5) by inserting the word “relevant” immediately after the words “approval of the”.

CLAUSE 50

THAT clause 50 of the Bill be amended in —

- (a) subclause (2) by inserting the word “relevant” immediately after the words “submit to the”;
- (b) subclause (3) by inserting the word “relevant” immediately after the words “submit to the”.

CLAUSE 52

THAT clause 52 of the Bill be amended in clause (1) by inserting the word “relevant” immediately after the words “make recommendations”.

CLAUSE 53

THAT clause 53 of the Bill be amended in clause (1) by inserting the word “relevant” immediately before the words “Cabinet Secretary”.

CLAUSE 56

THAT clause 56 of the Bill be amended by inserting the word “relevant” immediately before the words “Cabinet Secretary”.

CLAUSE 57

THAT clause 57 of the Bill be amended —

- (a) by deleting subclause (1) and substituting therefor the following subclause—
 - (1) The Cabinet Secretary responsible for matters relating to mining shall, in consultation with the Cabinet Secretary responsible for matters relating to oil, gas, and other petroleum resources and the Committee, make regulations generally for the better carrying out of the provisions of this Act.
- (b) in subclause (2) by deleting the word “Secretary” appearing immediately after the words “the Cabinet” and substituting therefor the word “Secretaries”.

NEW CLAUSES

CLAUSES 20A TO 20C

THAT the Bill be amended by inserting the following clauses immediately after clause 20—

General fund.

20A. (1) There shall be a general fund of the Committee which shall vest in the Committee.

(2) There shall be paid into the general fund—

(a) such monies or assets as may accrue to or vest in the Committee in the course of the exercise of its powers or the performance of its functions under this Act;

(b) annual contributions from the ministries responsible for matters related to the extractive industry,

(c) all monies from any other source provided for or donated or lent to the Committee.

Annual estimates.

20B (1) At least three months before the commencement of each financial year, the Committee shall cause to be prepared estimates of the revenue and expenditure of the Committee for that year.

(2)The Committee shall approve the annual estimates before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval and after the Cabinet Secretary's approval, the Authority shall not increase the annual estimates without the consent of the Cabinet Secretary.

Accounts and audit.

20C (1) The Committee shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Committee.

(2) Within a period of three months from the end of each financial year, the Committee shall submit to the Auditor-General the accounts of the Committee together with—

(a) a statement of the income and expenditure of the Committee during that year; and

(b) a statement of the assets and liabilities of the Committee on the last day of that year.

Cap. 412A.

(3) The annual accounts of the Committee shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution and the Public Financial Management Act.

THAT the Bill is amended by inserting the following new clauses immediately after clause 58—

CLAUSE 59 TO 61

THAT the Bill is amended by inserting the following new clauses immediately after clause 58.

Amendment to Cap.306.

59. The Mining Act is amended by—

- (a) repealing Section 46;
- (b) repealing Section 47;
- (c) repealing Section 49; and
- (d) repealing Section 50.

Amendment to Cap.308.

60. The Petroleum Act is amended by deleting Part VI.

Amendment to Cap.314.

61. The Energy Act is amended by—

- (a) in Section 10 by repealing paragraph (ee);
- (b) repealing Section 206; and
- (c) repealing Section 207.

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the definition of the term “Cabinet Secretary” and substituting therefor the following new definition—

“Cabinet Secretary means either the Cabinet Secretary responsible for matters relating to oil, gas and other petroleum resources or the Cabinet Secretary responsible for matters relating to mining as the case may be”

LONG TITLE

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

A Bill for

AN ACT of Parliament to provide for a framework to facilitate the local ownership, control, and financing of activities connected with the exploitation of gas, oil, other petroleum resources, and mineral resources; to provide a framework to increase local value capture along the value chain in the exploration of gas, oil, other petroleum resources, and minerals; and for connected purposes.

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

(The Senate Majority Leader)

NOTICE is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendments to the County Assemblies Pensions Scheme Bill (Senate Bills No. 14 of 2024), at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended by deleting—

- (a) subclause (2); and
- (b) the words “social security benefits including” appearing at the end of the introductory clause to subclause (3).

CLAUSE 5

THAT clause 5 of the Bill be amended by deleting—

- (a) the words “and members of staff of county assemblies” appearing at the end of subclause (1); and
- (b) deleting the words “and staff” appearing immediately after the word “assemblies” in subclause (2).

CLAUSE 6

THAT clause 6 of the Bill be amended—

- (a) by inserting the following new subclause immediately after subclause (1)—
 - (1A) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—
 - (a) suing and being sued;
 - (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
 - (c) entering into contracts; and
 - (d) doing or performing all other things or acts for the furtherance of the provisions of this Act which may be lawfully done or performed by a body corporate.
- (b) in clause (2) by—
 - (i) deleting the word “two” appearing at the beginning of paragraph (c) and substituting therefor the word “three”;
 - (ii) deleting the word “two” appearing at the beginning of subparagraph (d) (i) and substituting therefor the word “three”;
 - and
 - (iii) deleting paragraph (e).

CLAUSE 9

THAT clause 9 of the Bill be amended—

(a) by deleting subclause (2); and

(b) in subclause (3) by deleting the words “The Board” appearing at the beginning of the subclause and substituting therefor the words “The Cabinet Secretary”.

CLAUSE 11

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

(h) term expires;

CLAUSE 13

THAT clause 13 of the Bill be amended by deleting paragraph (g).

CLAUSE 23

THAT clause 23 of the Bill be amended by deleting subclause (2).

CLAUSE 24

THAT clause 24 of the Bill be amended by deleting—

(a) subclause (4);

(b) subclause (6) and substituting therefor the following new subclause—

(6) Any contribution not paid to the scheme by a sponsor within ten days after the last day of the calendar month to which the contributions relate, shall attract interest which shall not be less than the interest declared during the period the contribution remains unremitted.

CLAUSE 26

THAT clause 26 of the Bill be amended—

(a) by deleting the words “or a staff of a county assembly” appearing at the end of subclause (1);

(b) in subclause (3)—

(i) by deleting paragraph (a);

(ii) in paragraph (b) -

(a) by deleting the introductory phrase to paragraph (b) and substituting therefor the following new phrase—

(b)where a member ceases being a member of a county assembly before attaining the early retirement age, that member may opt for payment of—

(b) by deleting sub paragraph (i) and substituting therefor the following new sub paragraph—

(i) not more than fifty percent of his total accrued benefits and the investments income that has accrued in respect of those contributions provided that a member may withdraw any additional voluntary contributions made into the scheme and accrued interest in full;

(iii)in the introductory phrase to paragraph (c) by deleting the words “before attaining the early retirement age” appearing at the end of the paragraph.

CLAUSE 29

THAT clause 29 of the Bill be amended by deleting the words “Despite the provisions of any other written law” appearing at the introductory part of subclause (2) and substituting therefor the words “Subject to the Retirement Benefits Act”.

CLAUSE 49

THAT clause 49 of the Bill be amended by deleting subclause (4) and substituting therefor the following new subclause—

(4) Without prejudice to any proceedings instituted under the provisions of this section, a sponsor who makes a deduction from a member’s emoluments for remittance to the Scheme and fails to remit the contribution to the Scheme within fifteen days commits an offence and shall on conviction be liable to a fine not exceeding five million shillings or in the case of a natural person to imprisonment for a term not exceeding two years or to both.

CLAUSE 52

THAT the Bill be amended by deleting clause 52.

CLAUSE 53

THAT the Bill be amended by deleting clause 53 and substituting therefor the following new clause—

Transition of county assemblies to the Scheme 53. (1) A member of a county assembly who is a member of the Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust (Umbrella) Retirement Fund shall be transitioned into the Scheme within one year upon the commencement of this Act.

(2) The funds, assets and other movable or immovable property which immediately before the commencement date were held by or on behalf of the Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust (Umbrella) Retirement Fund for the members of county assemblies shall vest in the Scheme.

(3) All the records of members of county assemblies held by the Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust (Umbrella) Retirement Fund shall be transferred to the Scheme administrator.

(4) All rights, liabilities and duties whether arising under any written law or otherwise, which immediately before the commencement date were accruing, imposed or enforceable by or against the Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust (Umbrella) Retirement Fund with regard to members of county assemblies shall vest in, be imposed on, or be enforceable against the Scheme.

NEW CLAUSES

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 46—

Exemption from compliance with provisions of this Act 46A. The Cabinet Secretary may, by order in the *Gazette*—

- (a) exempt any person or class of persons from compliance with any specified provisions of this Act; or
- (b) extend the time for compliance by any person or class of persons with any specified provisions of this Act

provided that nothing in this section shall apply in respect of payment of retirement benefits.

Provisions of the Retirement Benefits Act 46B. The provisions of the Retirement Benefits Act (Cap. 197) and regulations thereunder shall apply to the Fund.

CLAUSE 2

THAT clause 2 of the Bill be amended by—

- (a) inserting the definition of the term “beneficiary” immediately after the definition of the term “Authority”—
 - “beneficiary” means a dependant, a person nominated by the member in writing or any other person other than a member entitled to receive a benefit;
- (b) deleting the definition of the term—
 - (i) “existing schemes” and inserting therefor the following new definition—
 - "existing scheme" means the Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust (Umbrella) Retirement Fund;
 - (ii) “income drawdown” and inserting therefor the following new definition—
 - “income drawdown” means an arrangement that allows a member of a retirement benefits scheme to access his or her accumulated retirement benefits as a regular income through reinvesting his or her benefits from an income drawdown fund registered by the Retirement Benefits Authority;
 - (iii) “member” and inserting therefor the following new definition—
 - “member” means an eligible member of a county assembly who has become a member of the Scheme and includes a person entitled to or receiving a benefit under the Scheme;

(iv) “normal retirement age” and inserting therefor the following new definition—

“normal retirement age” means the age of sixty years or such other age set out in written law or applicable policy;

(v) “spouse” and inserting therefor the following new definition—

"spouse" means a husband or a wife;

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 a contributory pension scheme for members of county assemblies; establish a county assemblies pensions fund for the payment or granting of pensions or retirement benefits to members of county assemblies; and for connected purposes.

E. *THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)**

(The Senate Majority Leader)

i. NOTICE is given that the Chairperson, Senate Standing Committee on National Security, Defence and Foreign Relations, intends to move the following amendments to the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023), at the Committee Stage —

CLAUSE 6

THAT Clause 6 of the Bill be amended by deleting subclause (2) and substituting therefor, the following new subclause –

(2) The Authority shall collaborate with the County Disaster Risk Management Committees in all counties in the discharge of its functions.

CLAUSE 7

THAT Clause 7 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (m) —

(ma) develop climate change adaptation strategies to prevent, respond and mitigate the effects of disasters arising as a result of climate change;

(mb) carry out and coordinate national damage and loss assessment in respect to disasters;

(mc) carry out bi-annual national drill exercises as part of disaster risk management preparedness.

CLAUSE 9

THAT Clause 9(1) of the Bill be amended in paragraph (f) by deleting the word “Governors” appearing immediately after the words “Council of” and substituting therefor the words “County Governors or a representative designated in writing”.

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (2) by deleting paragraph (g).

CLAUSE 27

THAT clause 27(1) of the Bill be amended in the introductory clause by inserting the words “in consultation with County Governments” immediately after the words “The Authority shall”.

CLAUSE 28

THAT clause 28 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (d) —

- (c) develop a national multi-hazard early warning system and guidelines for its implementation.

CLAUSE 29

THAT clause 29 of the of the Bill be amended in subclause (8) by inserting the words “in consultation with the Council of County Governors” immediately after the words “Cabinet Secretary shall”.

CLAUSE 32

THAT clause 32(1) of the Bill be amended –

- (a) by deleting paragraph (b);
- (b) in paragraph (c) by inserting the words “in collaboration with the County Disaster Risk Management Centers,” immediately before the word “formulate”;
- (c) in paragraph (h) by inserting the words “in collaboration with the County Disaster Risk Management Centre and the Authority,” immediately after the word “oversee”; and
- (d) in paragraph (m) by inserting the words “and the respective county assembly” immediately after the words “to the Authority”.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 41—

Establishment of the Disaster Management Fund. Cap 412A.

41A. (1) There is established the Disaster Risk Management Fund which shall be administered in accordance with section 24 of the Public Finance Management Act.

(2) The Director-General of the Authority shall be the administrator of the Fund.

...../Notice of Amendments

Sources of the Fund

41B. The Fund shall consist of —

- (a) such moneys as may be appropriated by the National Assembly;
- (b) grants or donations for the purposes of the Fund;
- (c) income generated from the proceeds of the Fund; and
- (d) any moneys accruing to or received by the Fund from any other lawful source, as may be approved by the Cabinet Secretary for the time being responsible for finance.

Objects of the Fund

41C. The Fund shall —

- (a) be utilized towards the provision of funds for disaster prevention, preparedness, mitigation, response and recovery measures;
- (b) provide a common basket for receipt and disbursement of funds for disaster management;
- (c) support capacity development of county governments and other institutions mandated with disaster management;
- (d) support agencies dealing with early warning systems for disaster management;
- (e) support the implementation of programmes, projects or activities to further the objectives of this Act; and
- (f) support any other purpose approved by the Board that would enhance the development and promotion of prudent disaster management in the country.

Consolidation of Public funds related to disaster management

41D. All public funds established for the purpose of disaster management prior to the commencement of this Act shall be consolidated into the Fund, except funds —

- (a) established to support institutions created under an Act of Parliament; or
- (b) established by county governments.

Tax Exemptions on Disaster Management Assistance.	41E The Cabinet Secretary responsible for finance may, by regulation, exempt all materials, articles, goods or equipment intended for the use of disaster management activities from import duty, value added tax, demurrage charges, port charges and any other tax as may be determined.
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CLAUSE 2

THAT the Bill be amended in clause 2 by inserting the following new definition immediately after the definition of the words “climate change” —

“climate change adaptation” means adjustments to ecological, social or economic systems in response to actual or expected climatic impacts, in order to moderate potential damages or to benefit from opportunities associated with climate change.

ii. NOTICE is given that Sen. Mohammed Chute, intends to move the following amendments to the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023), at the Committee Stage —

CLAUSE 3

THAT clause 3 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (b) –

- (ba) provide for appropriate and dignified assistance and relief to victims and casualties of disasters;
- (bb) promote inclusiveness and a multidisciplinary and multisectoral approach to disaster management.

CLAUSE 4

THAT clause 4 of the Bill be amended by –

- (a) deleting paragraph (e) and substituting therefor the following new paragraph —
 - (e) the national values and principles of governance under Article 10 of the Constitution.
- (b) deleting the heading to Part VII and substituting therefor the following new heading –

PART VII – MISCELLANEOUS PROVISIONS

CLAUSE 52

THAT clause 52 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (h) —

(ha) protection of emergency responders during emergency and disaster response.

NEW CLAUSES

THAT the bill be amended by inserting the following new section immediately after section 52—

Amendment to
Cap. 412A.

52A. The Public Finance Management Act is amended –

(a) in section 2 by inserting the following new definitions in their proper alphabetical order –

“emergency” has the meaning assigned to it under section 2 of the National Disaster Risk Management Act; and

“Disaster” has the meaning assigned to it under section 2 of the National Disaster Risk Management Act;

(b) in section 110 by –

(i) deleting the word “may” appearing immediately after the words “Executive Committee” and substituting therefor the word “shall” in the marginal note; and

(ii) deleting the word “may” appearing immediately after the words “Executive Committee” and substituting therefor the word “shall” in subsection (1);

(c) in section 112 by deleting subsection (2) and substituting therefor the following new subsection –

(2) For the purposes of subsection (1), there is an urgent and unforeseen need for expenditure if –

- (a) the expenditure is required to respond to an emergency or disaster in accordance with the National Disaster Risk Management Act;
 - (b) the emergency or disaster could not have been foreseen through the normal planning and budgeting process; and
 - (c) delay in making the expenditure would result in significant harm to life and property.
- (d) in section 113 by –
- (i) renumbering the existing provision as subsection (1); and
 - (ii) inserting the following new subsection immediately after subsection (1) –

(2) Notwithstanding subsection (1), the County Executive Committee member may, in order to effectively respond to an emergency or disaster and with the approval of the county assembly, exceed the limit prescribed under subsection (1) provided that —

- (a) the total payment does not exceed five percent of the total county government revenue as shown in that county government’s audited financial statements for the previous financial year; and
- (b) the additional amount is used solely for emergency or disaster response and recovery.

CLAUSE 2

THAT Clause 2 of the Bill be amended by inserting the following definitions in the proper alphabetical order –

...../Notice of Amendments

“emergency” means an actual or imminent situation that arises suddenly, poses immediate threat to life, health, property, environment, infrastructure, economic stability or public order and that –

- (a) requires prompt coordinated action to protect life and property and restore essential services;
- (b) may be caused by natural, technological, human-induced, health or industrial incidents; and
- (c) exceeds normal response capabilities requiring multi-agency intervention;

“emergency responder” refers to a person involved in an organized response to a potential, actual or impending emergency, including but not limited to firefighters, police officers, emergency medical personnel, county government emergency management personnel, national government emergency management personnel, military personnel or an officer of a recognized humanitarian organization dealing with disaster response.

APPENDIX**1. PETITION**

Petition to the Senate by residents of Olderkesi in Narok County concerning land injustices against the Olderkesi community members in Narok West Constituency, Narok County.

(Sen. Ledama Olekina, MP)

2. PAPERS

- i) The Water (Services) Regulations, Legal Notice No. 54 of 2025.
- ii) The Water (Harvesting and Storage) Regulations, Legal Notice No. 57 of 2025.
- iii) The Water (Resources) Regulations, Legal Notice No. 58 of 2025.

(The Senate Majority Leader)

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

- i) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the projects funded by the Equalization Fund in Isiolo County.
- ii) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding alleged financial mismanagement relating to the implementation of the 2km cabro road paving project in Bulapesa Ward, Isiolo County.
- iii) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the delay in completion of the construction of Ngarendare Bridge in Isiolo County.
- iv) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a Statement from the Standing Committee on Education regarding the government's directive to introduce the Kenya Certificate of Secondary Examination (KCSE) mid-year examinations.
- v) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the allocation and distribution of funds for road projects across the counties.

- vi) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the staff recruitment, promotion and development practices at the Nairobi City County Betting, Lotteries and Gaming Control Board.

- vii) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding budget allocation and utilization of development funds in Marsabit County.

- viii) Nominated Senator (Sen. Miraj Abdillahi, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding alleged transfer of gender desks from police stations to public hospitals.

- ix) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the implementation of affordable housing projects in Kisumu County.

- x) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the proposed 10% land rate policy for Kisumu County.

NOTICE PAPER

Tentative Business for Thursday, March 13, 2025

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Thursday, March 13, 2025.

A. BILLS AT THE SECOND READING STAGE

- i) *THE LABOUR MIGRATION AND MANAGEMENT (NO. 2) BILL (SENATE BILLS NO. 42 OF 2024)
(Sen. Tabitha Mutinda, MP)
- ii) *THE STREET NAMING AND PROPERTY ADDRESSING SYSTEM BILL (SENATE BILLS NO. 43 OF 2024)
(Sen. Fatuma Dullo, MP)
- iii) *THE SPORTS (AMENDMENT) (NO.2) BILL (SENATE BILLS NO. 45 OF 2024)
(Sen. (Prof.) Tom Ojienda, MP and Sen. Raphael Chimera, MP)
- iv) *THE OFFICE OF THE COUNTY ATTORNEY (AMENDMENT) BILL (SENATE BILLS NO. 47 OF 2024)
(Sen. David Wafula Wakoli, MP)

B. MOTIONS

- i) 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)
- ii) 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)
- iii) 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)

- iv) 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)

- v) REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS TO TAITA TAVETA, MOMBASA AND KWALE COUNTIES.
(The Chairperson, Standing Committee on Health)

- vi) REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE INSPECTION TOUR OF HEALTH FACILITIES IN WEST POKOT, TRANS NZOIA AND TURKANA COUNTIES.
(The Chairperson, Standing Committee on Health)
