



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

TUESDAY, JULY 09, 2019 AT 2.30 P.M.

PRAYERS

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. Statements (as listed in the Appendix)
8. ***THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**
(Sen. Mary Seneta, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 2nd July, 2019)

(Mover to Reply)

9. ******THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)**
(The Senate Majority Leader)
10. ***THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2019)**
(Sen. Aaron Cheruiyot, MP and Sen. Isaac Mwaura, MP)

(Second Reading)

11. ******THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2019)**
(The Senate Majority Leader)

(Second Reading)

...../Bill

12. ***THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 3 OF 2019)**

(Sen. (Dr.) Agnes Zani, MP)

(Second Reading)

13. ***THE COMMISSION ON ADMINISTRATIVE JUSTICE (AMENDMENT) BILL (SENATE BILLS NO. 6 OF 2019)**

(Sen. Petronilla Were Lokorio, MP)

(Second Reading)

14. **MOTION - STAFF RATIONALIZATION IN COUNTIES.**

(Sen. (Dr.) Agnes Zani, MP)

THAT, AWARE THAT the Senate represents the counties, and serves to protect the interests of the Counties and their governments;

FURTHER AWARE THAT, the launch of the Capacity Assessment and Rationalization of the Public Service (CARPS) Programme was launched by the Inter-Governmental Steering Committee (IGSC) on 14th July 2014 with the objective of transforming the Public Service for efficient and effective service delivery at both levels of Government;

NOTING THAT, the implementation timelines for the CARPS programme of two years specifically with regard to the capacity assessment, workload analysis and staff redeployment and transfers, are of paramount importance in the Counties as the terms of all second term County Governors come to a close in 2022;

CONCERNED THAT, County governments are still engaged in uncontrolled hiring of staff in total violation of applicable laws, exposing a glaring imbalance between money spent on recurrent expenditure, versus budgets for development projects which are the essence of devolution;

CONCERNED FURTHER THAT, contrary to Section 15(2)(b) of the Public Finance Management (PFM) Act, in counties such as Nairobi, Machakos, Garissa, Kisumu, Wajir, Baringo, Narok, Nakuru and Nyamira, staff salaries consumed in excess of 75% of total expenditure, over and above the set limit of 35% as provided in Regulation 25 (1) of the Public Finance Management (County Governments) Regulations, 2015 during the FY 2018/2019;

DEEPLY CONCERNED THAT, although Section 65 of the County Governments Act requires that more than 30% of the vacancies at entry level be given to members of ethnic groups that are not dominant in their precincts, the 2016 Ethnic and Diversity audit launched by the National Cohesion and Integration Commission revealed that 68% of Counties have hired more than 70% of their staff from one ethnic group;

NOW THEREFORE in exercise of its oversight function, the Senate resolves that the Public Service Commission (PSC), Intergovernmental Relations Technical Committee (IGTRC) and the Council of Governors provide a comprehensive report on:

...../Motion

1. the progress and implementation status of the Capacity Assessment and Rationalization of the Public Service (CARPS) Programme indicating the County Governments that are compliant; and
2. the number of employees in each County Government showing the amount spent as wage bill vis a vis recurrent expenditure budgeted for FY 2018/2019. and submit these reports to the Senate within 60 days of this resolution.

(Resumption of debate interrupted on Thursday, 4th July, 2019)
(Balance of Time – 2 hours 57 minutes)

15. **MOTION - RENAMING OF MURANG’A UNIVERSITY OF TECHNOLOGY TO KENNETH MATIBA UNIVERSITY OF TECHNOLOGY.**

(Sen. Isaac Mwaura, MP)

THAT, AWARE THAT, Murang’a University of Technology (MUT) is a Chartered University established under Section 13 of the Universities Act, 2012, and is positioning itself to develop a distinctive profile as a progressive and international Technical University, growing its enrolment strategically;

FURTHER AWARE that the University is located in Murang’a County, the home County of the late politician Kenneth Njindo Matiba, who died a patriotic and political hero, with numerous achievements spanning four decades;

NOTING THAT, the late Matiba was a prolific industrialist in the hospitality and education sector, and an accomplished public servant having served as the first indigenous African Permanent Secretary for Education in 1963; Permanent Secretary for Commerce; Chairperson of the Kenya Football Federation from 1974-78; a member of parliament for Kiharu constituency; Cabinet Minister for Health; Culture & Social Services; and Transport & Communications;

FURTHER NOTING THAT, the late Matiba was part of the opposition alliance that led the liberation struggle for the restoration of multi-party democracy through the Forum for the Restoration of Democracy (FORD), later founding FORD –Asili under which he ran for presidency in 1992 general election;

COGNIZANT that under the Heroes Act, 2014, the state is obliged to confer recognition to the late statesman for his cardinal contributions to the political and economic growth of this country;

FURTHER COGNIZANT that other patriotic Kenyans like Jomo Kenyatta, Daniel arap Moi, Masinde Muliro, Dedan Kimathi and Jaramogi Oginga Odinga have been accorded such recognition;

NOW THEREFORE, the Senate urges the National Government in remembrance of Matiba’s contribution to our Nation, to rename Murang’a University of Technology to Kenneth Matiba University of Technology.

...../Motion

16. **MOTION - CREATION OF SUPPORT SERVICES FOR MEMBERS OF THE DISCIPLINED FORCES AND THEIR FAMILIES**

(Sen. George Khaniri, MP)

THAT, APPRECIATING the commitment and sacrifice by members of the disciplined forces in protecting our country from both internal and external aggression;

AWARE of the risky and stressful environment that the officers are exposed to daily in the line of duty, combined with the increased terrorism threats at home, and abroad;

NOTING that members of the disciplined forces, and by extension, their families are exposed to traumatic incidents both at home and abroad that manifest as living in constant fear, debilitating depression, nightmares, crippling anxiety and thoughts of suicide commonly referred to as Post Traumatic Stress Disorder (PTSD) leaving them exposed to the stigma of society and unable to care for themselves and their families the way they could before;

RECOGNIZING that there is no structured national comprehensive program for post-traumatic stress counseling either for active or returning soldiers and their families;

NOW THEREFORE the Senate calls upon the Ministry of Interior and Co-ordination of National Government, in partnership with the Ministry of Defence, to establish counseling and support centers in all premises housing disciplined forces, and provide mandatory counseling to all service personnel and the families of those currently serving, and those who may have been killed in the line of duty.

NOTICE

The Senate resolved on 13th February, 2019 as follows:-

THAT, pursuant to Standing Order 106 (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

APPENDIX

1. **PAPERS**

- (i) Report of the Senate Sessional Committee on County Public Accounts and Investments on the Fiduciary Risk Report on audit issues by County Governments for the Financial Years 2012/13 to 2015/16.

(Chairperson, Sessional Committee on County Public Accounts and Investments)

- (ii) Report of the Senate Delegation to the 63rd Commission on the Status of Women (CSW63) held in the United Nations Headquarters, New York, USA from 11th to 22nd March, 2019.

(Sen. Sakaja Johnson, MP)

- (iii) Report of the Auditor-General on the Financial Statements of Nyeri County Enterprise Development Fund for the Year ended 30th June 2018;
- (iv) Report of the Auditor-General on the Financial Statements of Nyamira County Education Support Fund for the Year ended 30th June 2018;
- (v) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Education Revolving Fund for the Year ended 30th June 2018;
- (vi) Report of the Auditor-General on the Financial Statements of West Pokot County Car Loan and Mortgage Members Scheme for the Year ended 30th June 2018;
- (vii) Report of the Auditor-General on the Financial Statements of Murang'a County Assembly Car and Mortgage Loan Scheme Fund for the Year ended 30th June 2015;
- (viii) Report of the Auditor-General on the Financial Statements of Murang'a County Assembly Car and Mortgage Loan Scheme Fund for the Year ended 30th June 2016;
- (ix) Report of the Auditor-General on the Financial Statements of Murang'a County Assembly Car and Mortgage Loan Scheme Fund for the Year ended 30th June 2017; and
- (x) Report of the Auditor-General on the Financial Statements of Murang'a County Assembly Car and Mortgage Loan Scheme Fund for the Year ended 30th June 2018.

(The Senate Majority Leader)

2. NOTICES OF MOTION

(i) ADOPTION OF THE REPORT OF THE SENATE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE FIDUCIARY RISK REPORT ON AUDIT ISSUES BY COUNTY GOVERNMENTS FOR THE FINANCIAL YEARS 2012/13 TO 2015/16

(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, the Senate adopts the Report of the Senate Sessional Committee on Public Accounts and Investments on the Fiduciary Risk Report on audit issues by County Governments for the Financial Years 2012/13 to 2015/16 laid on the Table of the Senate on Tuesday, 9th July, 2019.

(ii) REPORT OF THE SENATE DELEGATION TO THE 63RD COMMISSION ON THE STATUS OF WOMEN (CSW63)

(Sen. Sakaja Johnson, MP)

THAT, the Senate notes the report of the Senate Delegation to the 63rd Commission on the Status of Women (CSW63) held in the United Nations Headquarters, New York, USA, from 11th to 22nd March, 2019, laid on the Table of the Senate on Tuesday, 9th July, 2019.

(iii) FREE ADMINISTRATION OF THE SNAKE BITES ANTI-VENOM IN PUBLIC HEALTH FACILITIES

(Sen. Beatrice Kwamboka, MP)

THAT, AWARE THAT, there is an abundance of snakes in various parts of the country namely; Kitui, Baringo, Wajir, Kajiado, Embu and Tana River Counties among others, which poses a high mortality rate of snake bites across these counties;

FURTHER AWARE THAT, all patients bitten by snakes should be assessed by medically-trained staff to determine the species responsible, the amount of venom injected and the variable time course for development of signs, requiring that patients be kept under observation for at least 24 hours;

CONCERNED THAT, these incidences of snake bites are a neglected emergency in Kenya owing to the low awareness of snake bites as a public health problem in the country resulting to victims being maimed and even losing lives;

FURTHER CONCERNED THAT, poor infrastructure and poverty contribute to delays in seeking and receiving treatment for snake bites including the high cost of acquiring and storing the anti-venom;

RECOGNIZING THAT, it is essential for snakebite victims to get supportive care followed by the administration of the anti-venom as soon as possible following a snake bite;

NOTING THAT, Article 43 (1) (a) of the Constitution provides that every person has the right to the highest attainable standard of health;

NOW THEREFORE, the Senate urges the Ministry of Health in collaboration with the County governments to establish programs to sensitize people on the management of snake bites and to ensure timely supply and free administration of the anti-venom in public health facilities, concentrating on sub county health facilities in the affected counties, and further ensure that these facilities are equipped with the necessary infrastructure for the storage of the anti-venom.

3. STATEMENTS

(i) Pursuant to Standing Order 47(1)

Nominated Senator (Sen. Rose Nyamunga, MP) to make a statement on the election of Sen. Abshiro Halake, MP as the Chairperson of the Centre for Multi-Party Democracy in Kenya (CMD).

(ii) Pursuant to Standing Order 48(1)

- a) The Senator for Kirinyaga County (Sen. Charles Kibiru, MP) to seek a statement from the Standing Committee on Health concerning deteriorating state of health services in public hospitals across the country due to lack of equipment and strikes by medical staff in the counties.
- b) The Senator for Kisumu County (Sen. Fred Outa, MP) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the Kachok Dumpsite in Kisumu County.
- c) The Senator for Kisumu County (Sen. Fred Outa, MP) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations concerning the delayed hand-over of the Lake Basin Mall in Kisumu County.

(iii) Pursuant to Standing Order 51(1)(b)

- a) The Chairperson, Standing Committee on Information and Technology to issue a statement relating to the activities of the Committee;
- b) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights to issue a statement relating to the activities of the Committee; and
- c) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement relating to the activities of the Committee.
