



REPUBLIC OF KENYA  
**TWELFTH PARLIAMENT – (THIRD SESSION)**  
**THE SENATE**  
**ORDER PAPER**  
**WEDNESDAY, JULY 31, 2019 AT 2.30 PM**

**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
7. Statements (as listed in the Appendix)

8. **MOTION - 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 Wednesday, 10<sup>th</sup> July, 2019.

***(Resumption of debate interrupted on Thursday, 25<sup>th</sup> July, 2019)  
(Division)***

9. **COMMITTEE OF THE WHOLE**

**\*\*\*THE COUNTY GOVERNMENT RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)**

(The Senate Majority Leader)

***(Resumption of debate interrupted on Thursday, 25<sup>th</sup> July, 2019)  
(Division)***

10. **COMMITTEE OF THE WHOLE**

**\*THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 31 OF 2018)**

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

...../Bill

11. **COMMITTEE OF THE WHOLE**

**\*THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**

(Sen. Ledama Olekina, MP)

12. **COMMITTEE OF THE WHOLE**

**\*THE ELECTION LAWS (AMENDMENT) (NO.2) BILL (SENATE BILLS NO. 37 OF 2018)**

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

13. **COMMITTEE OF THE WHOLE**

**\*THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**

(Sen. Mary Seneta, MP)

14. **COMMITTEE OF THE WHOLE**

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

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

15. **COMMITTEE OF THE WHOLE**

**\*THE NATIONAL MUSEUM AND HERITAGE (AMENDMENT) BILL (SENATE BILLS NO. 7 OF 2019)**

(Sen. (Dr.) Alice Milgo, MP)

16. **\*THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)**

(Sen. (Dr.) Abdullahi Ali, MP)

*(Second Reading)*

***(Resumption of debate interrupted on Tuesday, 30<sup>th</sup> July, 2019)***

17. **\*\*\*\*THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)**

(The Senate Majority Leader)

*(Second Reading)*

18. **\*\*\*\*THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2019)**

(The Senate Majority Leader)

*(Second Reading)*

19. **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;

...../Motion

**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.

*(Resumption of debate interrupted on Tuesday, 23<sup>rd</sup> July, 2019)  
(Balance of Time – 1 hour 53 minutes)*

20. **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 14<sup>th</sup> 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;

...../Motion

**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:-

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, 4<sup>th</sup> July, 2019)***

***(Balance of Time – 2 hours 40 minutes)***

21. **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.

...../Motion

22. **MOTION - DEVELOPMENT OF INFORMATION TECHNOLOGY AND TELECONFERENCING POLICY FRAMEWORK AND FACILITIES CONNECTING ALL COUNTY HEALTH FACILITIES TO THE NATIONAL REFERRAL HOSPITALS**

(Sen. Judith Pareno, MP)

**WHEREAS** Article 43 of the Constitution of Kenya provides for economic and social rights enjoyed by every person including the right to the highest attainable standard of health and the right to health care services;

**AWARE** that the Fourth Schedule to the Constitution of Kenya lists health as one of the functions to be performed by county governments, with the national Government providing health policy framework;

**NOTING** that Parliament enacted the Health Act, No. 21 of 2017, to establish a unified health system, to coordinate the inter-relationship between the national government and county government health systems, to provide for regulation of health care service and health care service providers, health products and health technologies;

**COGNIZANT** that the role of both county and national levels of government to ensure a healthy nation is complimentary;

**FURTHER AWARE** that most health facilities under the county governments are not well equipped with modern technological facilities and requisite personnel, leading to loss of lives especially from preventable and curable diseases;

**RECOGNIZING** that the government, through the National Broadband Policy has developed more advanced communications and efficient ICT systems with good fibre connection network covering a majority of the counties;

**FURTHER COGNIZANT** that the lack of structured engagement through technology between the county and national referral hospitals is impacting on quality of health service provision in the county and referral health facilities;

**NOW THEREFORE**, the Senate resolves that the national government:-

1. fully and urgently implements the Health Act, No.21 of 2017;
2. further collaborates with county governments to initiate and develop an ICT and teleconferencing policy framework; and
3. facilitates connecting all county health facilities to each other and to the national referral hospitals with a view to ensure seamless and efficient medical consultation between and among medical personnel and health facilities.

23. **MOTION - PLANTING OF TREES ALONG MAJOR INFRASTRUCTURE PROJECTS IN KENYA**

(Sen. Charles Kibiru, MP)

**THAT, AWARE** of the numerous benefits that trees play in environmental conservation, combating climate change, air and water purification, carbon sequestration, flood control, prevention of soil erosion, human and wildlife sustenance, urban planning, as well as other social and economic benefits;

**NOTING THAT** Kenya has and continues to implement various infrastructure projects across the country, among them railways, roads and highways, airports, sea and inland ports, pipelines, dams, among others;

...../Motion

**CONCERNED** by the extent of environmental degradation that takes place when undertaking such infrastructure projects, entailing clearance of trees, foliage, soils, rocks, excavation of quarries, interference with forests, wetlands, rivers, drainage systems and other embankments, as well as human and wildlife displacement along the paths of the infrastructure projects;

**ACKNOWLEDGING THAT** the Environmental Management and Coordination Act (No. 8 of 1999) and the Guidelines issued thereon require an environmental audit to be undertaken before any infrastructure projects are undertaken, with a view to identifying potential environmental impacts of the proposed projects, assessing the significance of those impacts, and proposing mitigation measures to address the negative impacts of the said projects on the environment;

**CONCERNED HOWEVER THAT** the implementation of these provisions has failed to comprehensively address the continued large-scale environmental degradation that takes place during construction of these infrastructure projects, and that the mitigation measures undertaken thereon have failed to compensate for the damage done to the environment as well as the negative effects to human and wildlife populations along the infrastructure project paths;

**AWARE THAT** the National Government has launched an ambitious plan to plant 1.8 billion trees by the year 2022, with a view to enhancing the country’s tree cover from 6.2% to the globally accepted minimum of 10%, and that this entails, among others, planting at least 1 million trees annually in each of the forty-seven Counties;

**UNDERSCORING** the need to balance between development and sustainable environmental management, for the benefit of present and future generations, as enshrined in the preamble to the Constitution of Kenya;

**NOTING** that planting of tree buffers alongside and around major infrastructure projects in the country would help offset the carbon footprint of these projects, enhance the beauty and aesthetics of the projects, create safe spaces for human recreation and for wildlife to thrive, and help in meeting the target of 10% national tree cover by the year 2022;

**NOW THEREFORE**, the Senate resolves that the National Government, together with the County Governments, formulate a policy mandating the planting of trees alongside and around all major infrastructure projects across the country, setting out the roles of various actors at both the national and county levels, and outlining incentives and penalties to ensure that the policy is complied with, in ensuring a balance is attained between development and environmental conservation.

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**NOTICE**

The Senate resolved on 13<sup>th</sup> 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

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**A. \*\*\*THE COUNTY GOVERNMENT RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)**

(The Senate Majority Leader)

- (i) **NOTICE** is given that Sen. Johnson Sakaja, the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the County Governments Retirement Scheme Bill, 2018, (National Assembly Bills No. 10 of 2018) at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by inserting the following new paragraph immediately after paragraph (e)—

- (f) protect the benefits of the members of the Scheme.

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended in subclause (3) by inserting the following new paragraph immediately after paragraph (c)—

- (ca) gratuity; and

**CLAUSE 6**

**THAT** the Bill be amended by deleting clause 6 and substituting therefor the following new clause—

Board of Trustees of the Scheme. **6** (1) The management of the Scheme shall vest in a Board of Trustees of the Scheme.

(2) The Board shall consist of—

- (a) the chairperson elected by the Trustees from among the members under paragraph (c), (d), (e) and (f);
- (b) the Principal Secretary responsible for matters relating to finance or a representative;
- (c) a person nominated by Council of County Governors;
- (d) a person nominated by County Public Service Boards;
- (e) a person nominated by County Assembly Service Boards;
- (f) five persons nominated by most representative trade unions representing employees of county governments of whom at least two shall not be of the same gender as follows—
  - (i) four persons from trade unions representing the employees within the county executive; and

...../Amendments



(ii) a person from trade unions representing the employees within the county assemblies' service; and

(g) the chief executive officer who shall be an ex officio member and the secretary to the Board with no voting rights.

(3) The vice-chairperson of the Board shall be elected by the Trustees from among their number.

(4) The chairperson and vice- chairperson shall be of the opposite gender.

(5) The Cabinet Secretary shall ensure that not more than two thirds of the members of the Board are of the same gender.

(6) The Cabinet Secretary shall appoint the persons nominated under subsection (2) by notice in the *gazette*.

(7) The procedure for nomination and appointment of Trustees under subsection (2) shall be as prescribed in the regulations.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended in subclause (1) by deleting the word “three” appearing immediately after the words “absence from” appearing in paragraph (e) and substituting therefor the word “two”.

**CLAUSE 16**

**THAT** the Bill be amended by deleting clause 16 and substituting therefor the following new clause—

Remuneration of Trustees. **16.** The Trustees shall be paid such remuneration as the Authority may determine in accordance with the Retirement Benefits Act.

**CLAUSE 18**

**THAT** clause 18 of the Bill be amended by inserting the following new subclause immediately after subclause (4)—

(4a) The chief executive officer shall hold office for a term of three years and may be eligible for re-appointment for a further final term of three years.

**CLAUSE 24**

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

(1) A member shall, so long as the member remains in the employment of a sponsor, contribute not less than twelve percent of that member’s pensionable emoluments to the Scheme.

**CLAUSE 48**

**THAT** clause 48 of the Bill be amended in subclause (1) by deleting the words “two years” appearing immediately after the words “imprisonment for a term not exceeding” at the end of subclause and substituting therefor the words “five years.”

**CLAUSE 55**

**THAT** clause 55 of the Bill be amended by inserting the following new subclauses immediately after subclause (6)—

(7) The Auditor General shall cause an actuarial audit and valuation to be carried out with respect to the closed schemes within six months upon the commencement of this Act to ascertain the following for the purpose of transitional management—

- (a) assets acquired by the schemes;
- (b) liabilities accrued by the schemes; and
- (c) employees of the schemes.

(8) The Auditor General shall submit a report on the findings of the audit and valuation to the Board, the Senate and the National Assembly within three months of carrying out of the audit under subsection (7).

**CLAUSE 56**

**THAT** clause 56 of the Bill be amended by deleting subclause (6) and substituting the following new subclause—

(6) The Retirement Benefits Authority shall, within five years from the commencement of this Act, ensure the implementation of this section.

**NEW CLAUSE 59**

THAT the Bill be amended by inserting the following new clause immediate after clause 58—

Amendment of 59. The County Governments Act is amended by deleting section 132 of Act section 132.  
No. 17 of 2012

**FIRST SCHEDULE**

The schedule is amended in paragraph 2 by deleting subparagraphs (1) and (2) and substituting therefor the following new subparagraphs—

(1) The quorum of a meeting of the Board shall be five Trustees present and voting and shall include at least two Trustees appointed under section 6 (2) (b), (c), (d) or (e) and at least three Trustees appointed under section 6 (2) (f).

(2) For special meetings, the quorum shall be six Trustees present and voting and shall include at least three Trustees appointed under section 6 (2) (b), (c), (d) or (e) and at least four Trustees appointed under section 6 (2) (f).

(ii) **NOTICE** is given that Sen. Farhiya Ali Haji, intends to move the following amendments to the County Governments’ Retirement Scheme Bill, National Assembly Bills No. 10 of 2018, at the Committee Stage—

**CLAUSE 21**

**THAT** clause 21 of the Bill be amended in paragraph (d) by deleting the words “provide regular information” appearing immediately before the words “on investment strategy” and substituting the words “submit reports on a quarterly basis”.

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately paragraph (f)-

(fa) submit to the Board a report on a quarterly basis, of the reconciliations with respect to the funds held by the Custodian;

**CLAUSE 23**

**THAT** clause 23 of the Bill be amended in subclause (2) by-

(a) inserting the words “at least on a quarterly basis” immediately after the words “including access” in paragraph (d);

(b) inserting the following new paragraph immediately after paragraph (d)-

(da) keep and maintain proper books of accounts of the scheme;

**CLAUSE 24**

**THAT** clause 24 of the Bill be amended -

(a) in subclause (2) by inserting the words “not less than” immediately after the words “contribute to the scheme”.

(b) in subclause (5) by deleting the words “on each occasion” appearing immediately after the words “salary of the contributor” and substituting therefor the words “in each month”.

**CLAUSE 44**

**THAT** clause 44 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause-

(1) The scheme shall be reviewed by an actuary appointed by the Board as provided for in the Retirement Benefits Act.

**CLAUSE 46**

**THAT** clause 46 of the Bill be amended in the introductory phrase in subclause (2) by inserting the word “actuary” immediately after the words “fund Manager”.

**CLAUSE 48**

**THAT** clause 48 of the Bill be amended by inserting the following new subclause immediately after subclause (2)-

(3) A person who is convicted of an offence under subsection (1) (c) shall, in addition to any fine that may be imposed, refund to the scheme three times the value of any loss that may be incurred by the scheme by reason of the commission of the offence.

**B. \*THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 31 OF 2018)**

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

**NOTICE** is given that Sen. Paul Mwangi Githiomi, the Chairperson to the Standing Committee on Land, Environment and Natural Resources, intends to move the following amendments to the Natural Resources (Benefit Sharing) Bill, 2018, at the Committee Stage—

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended—

- (a) in subclause (1) by inserting the words “in consultation with the Council of County Governors and relevant national government entities” immediately after the words “The Commission shall”; and
- (b) in subclause (2) by deleting the word “overall” appearing immediately after the word “the” in paragraph (a) and substituting therefor the word “total”.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended in subclause (1) by inserting the words “with the relevant county government” immediately after the words “benefit sharing agreement”.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended —

- (a) in subclause (2) by —
  - (i) by inserting the following new paragraph immediately after paragraph (b) —
    - (ba) two technical officers of the relevant county departments, appointed by the county executive committee member in consultation with the county executive committee member responsible for the respective natural resources; and
  - (ii) deleting paragraph (c) and substituting therefor the following new paragraph —
    - (c) five persons, two of whom shall be of the opposite gender, elected by the local communities where the natural resource is found and representing the areas with the main natural resources within the county”;
- (b) in subclause (5) by inserting the words “in consultation with Council of County Governors” immediately after the words “Cabinet Secretary shall”.

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended by inserting the following new subclause immediately after subclause (4) —

(4A) A local community benefit sharing forum shall not hold more than eight meetings in one year.

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended by deleting subclause (4).

**CLAUSE 16**

**THAT** clause 16 of the Bill be amended in subclause (3) by deleting the word “principal” appearing immediately after the words “this Act every”.

**CLAUSE 17**

**THAT** clause 17 of the Bill be amended—

(a) in subclause (1) by deleting the word “one” appearing immediately after the words “Commission shall within” and substituting therefor the word “two”;

(b) by inserting the following new subclauses immediately after subclause (3) —

(4) An affected entity that, immediately before the commencement of this Act, was lawfully authorised to exploit a natural resource under this Act shall be considered to be authorised to conduct such exploitation under this Act.

(5) Despite subsection (4), an affected entity shall comply with the provisions this Act within two years of its commencement.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended—

(a) in the definition of the term “Cabinet Secretary” by deleting the word “mining” appearing immediately after the words “matters related to” and substituting therefor the words “finance”;

(b) by deleting the definition of the term “local community” and substituting therefor the following new definition—

“local community” means

- (a) people living in a ward within which a natural resource is situated; and
- (b) people displaced to make way for the exploitation of a natural resource;

(c) by deleting the definition of the term “natural fund” and substituting therefor the following new definition—

“natural resources” means the natural resources provided under section 3 of this Act;

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

“county executive committee member” means the county executive committee member responsible for matters relating to finance in the respective county;

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“officer” has the meaning assigned to it under section 3 of the Companies Act;

**LONG TITLE**

**THAT** the Long Title to the Bill be amended by inserting the word “natural” immediately after the words “benefit sharing in”.

**C. \*THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**

(Sen. Mary Seneta, MP)

**NOTICE** is given that the Chairperson of the Standing Committee on Health, Senator Michael Mbito intends to move the following amendments to the Kenya Medical Supplies Authority (Amendment) Bill (Senate Bills No. 38 of 2018) at the Committee Stage –

**CLAUSE 4**

**THAT** the Bill be amended by deleting clause 4 of the Bill and substituting therefor the following new clause—

Amendment **4.** Section 4 of the Principal Act is amended by deleting of section 4 subsection (2) and substituting therefor the following new of No. 20 of subsection—  
2013.

(2) The Cabinet Secretary may assist the Authority to determine the requirement of drugs and medical supplies in National Referral hospitals.

(2A) The County Government may assist the Authority to determine the requirement of drugs and medical supplies in the respective county health facilities.

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 5 –

Insertion of section 6A in No. 20 of 2013 **5A.** The principal Act is amended by inserting the following new section immediately after section 6—

Headquarters **6A.** The headquarters of the Authority shall be in the capital city, but the Authority may establish such branches as it may consider necessary.

Amendment of section 8 of No. 20 of 2013 **5B.** Section 8 of the principal Act is amended—

(a) in subsection (2) by deleting the words “or medicine” appearing at the end of paragraph (a) and substituting therefor the words “medicine, business management, finance, supply chain management, or any other related field from a recognized university”;



- (b) in subsection (3) by deleting paragraph (b);
- (c) in subsection (4) by inserting the words “upon satisfactory performance” immediately after the words “four years and”

Insertion of section 9A in No. 20 of 2013

**5C.** The principal Act is amended by inserting the following new section immediately after section 9—

Corporation Secretary

**9A.** (1) There shall be a corporation secretary of the Authority who shall be competitively recruited and appointed by the Board.

(2) The terms and conditions of service of the corporation secretary shall be determined in the instrument of appointment by the Board upon the advice of the Salaries and Remuneration Commission.

(3) A person is qualified for appointment under subsection (1) if the person—

- (a) holds a degree from a recognised university;
- (b) is registered as a Certified Public Secretary under the Certified Public Secretaries of Kenya Act;
- (c) is a member of good standing of the Institute of Certified Public Secretaries of Kenya;
- (d) has at least seven years’ experience in a senior management administration; and
- (e) satisfies the requirements of chapter six of the Constitution.

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(4) The Corporation Secretary shall be the secretary to the Board and shall —

- (a) provide guidance to the Board on their duties and responsibilities and on matters of governance;
- (b) be the custodian of the seal of the organisation and account to the Board for its use;
- (c) ensure timely preparation and circulation of Board and Committee papers and minutes;
- (d) maintain and update the register of conflicts of interest;
- (e) facilitate effective communication between the organisation and the shareholders; and
- (f) ensure that the annual returns and statutory documents required to be filed under any other law are promptly filed with the relevant authorities.

Amendment of section 13 of No. 20 of 2013 **5D.** Section 13 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection—

(2) The affixing of the common seal of the Authority shall be authenticated by the signature of the Chairperson and the chief executive officer and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of both the chief executive officer and the corporation secretary.

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

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

**NOTICE** is given that Sen. Mohamed M. Mahamud, Chairperson, Committee on Finance and Budget, intends to move the following amendments to the Public Finance Management (Amendment) Bill, Senate Bills No. 3 of 2019, at the Committee Stage-

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended-

(a) in the proposed new section 160A by deleting subsection (1) and substituting therefor the following new subsections-

(1) The Cabinet Secretary shall, in consultation with the Council of County Governors, the Commission on Revenue Allocation, the Kenya Revenue Authority, develop a uniform county revenue collection system.

(1A) Every County Treasury shall adopt and implement the county revenue collection system developed under subsection (1) having regard to the particular needs of the respective county.

(b) in the proposed new section 160B by inserting the words “the Controller of Budget, the Auditor-General” immediately after the words “National Treasury” appearing in subsection (2).

(c) in the proposed new section 160C by-

(i) deleting the words “two years” appearing after the words “within a period of” and substituting therefor the words “one year” appearing in subsection (1); and

(ii) inserting the words “on the recommendation of the Senate and” immediately after the words “National Treasury may” appearing in the introductory phrase of subsection (2).

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**APPENDIX**

**1. PAPERS**

- (i) Report of the Auditor-General on the Financial Statement of Kisii County Assembly Car Loan and Mortgage Fund for the Year ended 30<sup>th</sup> June 2015;
- (ii) Report of the Auditor-General on the Financial Statement of Kisii County Assembly Car Loan and Mortgage Fund for the Year ended 30<sup>th</sup> June 2017;
- (iii) Report of the Auditor-General on the Financial Statement of Kisii County Assembly Car Loan and Mortgage Fund for the Year ended 30<sup>th</sup> June 2018; and,
- (iv) Report of the Auditor-General on the Financial Statements of Nandi County Executive Car and Mortgage Loan Scheme for the Year ended 30<sup>th</sup> June 2018.

*(The Senate Majority Leader)*

**2. STATEMENTS PURSUANT TO STANDING ORDER 48(1)**

- (i) Nominated Senator (Sen. Falhada Dekow Iman, MP) to seek a statement from the Standing Committee on Finance and Budget on the upcoming 2019 Kenya National Population and Housing Census with regard to the drought-stricken areas; and
- (ii) Nominated Senator (Sen. Abshiro Halake, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on the poor state of Kenyan embassies abroad.

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