Twelfth Parliament (No. 053 Supp)



Third Session (1305)

# **REPUBLIC OF KENYA**

# **TWELFTH PARLIAMENT - (THIRD SESSION)**

# THE SENATE

# SUPPLIMENTARY ORDER PAPER

# THURSDAY, JULY 25, 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 PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2019)

(Sen. Aaron Cheruiyot, MP and Sen. Isaac Mwaura, MP) (Second Reading)

# 9. COMMITTEE OF THE WHOLE

# \*\*\*<u>THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL</u> <u>ASSEMBLY BILLS NO. 10 OF 2018)</u>

(The Senate Majority Leader)

# 10. 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 Wednesday, 24<sup>th</sup> July, 2019)

# 11. 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.

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

#### 12. 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;

**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 57 minutes)

# 13. 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 posttraumatic 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.

## 14. 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.

# 15. 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;

**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.

## 16. <u>MOTION – RETIREMENT AGE FOR PERSONS WITH DISABILITIES IN PUBLIC</u> <u>SERVICE AND IN ACADEMIA</u>

(Sen. (Dr.) Getrude Musuruve, MP)

**THAT, AWARE THAT,** Persons with Disabilities (PWDs) and their families are among the world's poorest and are disadvantaged in terms of their late entry into the labour-force;

**FURTHER AWARE THAT** the reality of employing disabled people does not match the presumptions held by employers, the influence of how they think about disability remains a potent issue for disabled people seeking to work;

**COGNIZANT THAT** Article 19 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) affirms the equal right of all persons with disabilities to live in a community with choices equal to others, and with equal access to services and facilities that are responsive to their needs;

**NOTING THAT,** unlike current trends around the world, employers in Kenya are not incentivized to employ Persons with Disabilities and therefore most public organizations and parastatals have not yet achieved the threshold of Article 54(2) of the Kenyan Constitution that obligates 5% appointment of PWDs in elective and appointive positions;

**CONCERNED THAT,** Article 27(e) of the UNCRPD advocates for party states, of which Kenya is one, to promote employment opportunities and career advancements of PWDs in the labour market as well as assistance in finding, obtaining, maintaining and returning to employment;

**NOW THEREFORE;** the Senate calls upon the Ministry of Labour and Social Protection and county governments to develop a policy to ensure that:

- 1. PWDs in gainful employment in public service retire at the age of 65 years instead of 60 years; and,
- 2. PWDs in academia, such as Universities and colleges retire at the age of 75 years, instead of 70 years.

#### 17. <u>MOTION -REPORTS OF THE PARLIAMENT OF KENYA DELEGATION TO THE</u> <u>GLOBAL SUMMIT ON OPEN GOVERNANCE PARTNERSHIP</u>

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

**THAT,** this House notes the Reports of the Parliament of Kenya Delegation on the Global Open Governance Partnership Summits held in Tbilisi, Georgia, from 17<sup>th</sup> to 19<sup>th</sup> July, 2018, laid on the Table of the House on Wednesday, 20<sup>th</sup> February, 2019, and in Ottawa, Canada, from 29<sup>th</sup> to 30<sup>th</sup> May, 2019, laid on the Table of the House on Thursday, 11<sup>th</sup> July, 2019.

(1311)

#### 18. MOTION - REPORTS OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN-AFRICAN PARLIAMENT AND THE FIRST ORDINARY SESSION OF THE FIFTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT

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

**THAT,** this House notes the Reports of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from 7<sup>th</sup> to 18<sup>th</sup> May, 2018, laid on the Table of the House on Tuesday, 24<sup>th</sup> July, 2018; and, the First Ordinary Session of the Fifth Parliament of the Pan African Parliament held in Kigali, Rwanda, from 18<sup>th</sup> October to 3<sup>rd</sup> November, 2018, laid on the Table of the House on Tuesday, 12<sup>th</sup> March, 2019.

# 19. MOTION - REPORT ON THE THIRD STATUTORY MEETING OF THE COMMITTEE ON ECONOMIC DEVELOPMENT, REGIONAL INTEGRATION AND NATURAL RESOURCES OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE OF THE GREAT LAKES REGION (FP-CGLR)

(Sen. Samuel Poghisio, MP)

**THAT,** this House notes the Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the Forum of Parliaments of the International Conference of the Great Lakes Region (FP-ICGLR) held in Bujumbura, Burundi, from 13<sup>th</sup> to 14<sup>th</sup> March, 2019, laid on the Table of the House on Tuesday, 21<sup>st</sup> May, 2019.

## 20. <u>REPORT OF THE SENATE DELEGATION TO THE 63<sup>RD</sup> COMMISSION ON THE</u> <u>STATUS OF WOMEN (CSW63)</u>

(Sen. Sakaja Johnson, MP)

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

#### 21. MOTION- REPORTS OF THE PARLIAMENT OF KENYA DELEGATION TO THE ASSEMBLIES OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS.

(Sen. Susan Kihika, MP)

**THAT,** the Senate notes the reports of the Parliament of Kenya Delegation to the 139<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 14<sup>th</sup> to 18<sup>th</sup> October, 2018, laid on the Table of the Senate on Thursday, 6<sup>th</sup> December, 2018, and the 140<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Doha, State of Qatar from 6<sup>th</sup> to 10<sup>th</sup> April, 2019, laid on the Table of the Senate on Tuesday, 23<sup>rd</sup> July, 2019.

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...../Notice

# 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.

# <u>KEY</u>

**\*\*\*\*\_** 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

#### THURSDAY, JULY 25, 2019

(1313)

# \*\*\*<u>THE COUNTY GOVERNMENT RETIREMENT SCHEME BILL (NATIONAL</u> 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 **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

# THURSDAY, JULY 25, 2019

- (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 **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 23

**THAT** clause 23 of the Bill be amended in subclause (2) by deleting the word "shall" appearing immediately after the word "administrator" and substituting therefor with the word "may".

...../Amendments

#### 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.

# **INSERTION OF NEW CLAUSE 59**

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

Amendmentof**59**. The County Governments Act is amended by<br/>deleting section 132 of Act No.17 of 2012

...../Amendments

#### 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 16

**THAT** clause 16 of the Bill be amended by deleting the words "remuneration or" appearing immediately after the words "paid such" and substituting therefor the word "sitting allowance".

# 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;

...../Amendments

## CLAUSE 24

THAT clause 24 of the Bill be amended -

- (a) in subclause (1) by inserting the word "member" immediately after the words "long as the";
- (b) in subclause (2) by inserting the words "not less than" immediately after the words "contribute to the scheme".
- (c) 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 36

**THAT** clause 36 of the Bill be amended in paragraph (a) by deleting the words "except where a member works on a contractual basis for the sponsor after their resignation or early retirement" appearing immediately after the words "a sponsor".

# **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.

...../Appendix

#### APPENDIX

#### 1. **PAPERS**

(i) Report of the Ad hoc Committee inquiring into the challenges facing the tea sector in Kenya.

(Chairperson, Ad hoc Committee)

 (ii) Report of the Parliament of Kenya Delegation to the United Nations Conference on Climate Change (COP 24) held in Katowice, Poland, from 3<sup>rd</sup> to 14<sup>th</sup> December, 2018.

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

# 2. NOTICES OF MOTION

#### (i) **REPORT OF THE AD HOC COMMITTEE ON TEA.**

(Chairperson, Ad hoc Committee)

**THAT,** the Senate adopts the Report of the Ad hoc Committee inquiring into the challenges facing the tea sector in Kenya, laid on the Table of the Senate on Thursday, 25<sup>th</sup> July, 2019.

# (ii) <u>REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE UNITED</u> <u>NATIONS CONFERENCE ON CLIMATE CHANGE (COP 24).</u>

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

**THAT,** the Senate notes the Report of the Parliament of Kenya Delegation to the United Nations Conference on Climate Change (COP 24) held in Katowice, Poland, from 3<sup>rd</sup> to 14<sup>th</sup> December, 2018, laid on the Table of the Senate on Thursday, 25<sup>th</sup> July, 2019.

#### 3. STATEMENTS

# (i) **Pursuant to Standing Order 48(1)**

- a) The Senator for Kakamega County (Sen. Cleophas Malalah, MP) to seek a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on the ethnic and regional distribution of high cadre jobs in government ministries, embassies, state agencies, departments and parastatals in Kenya.
- b) Nominated Senator (Sen. Mary Seneta, MP) to seek a statement from the Standing Committee on Health on the sale of meat laced with dangerous chemicals in butcheries in Kenya.

# (ii) **Pursuant to Standing Order 51(1)(b)**

The Chairperson, Standing Committee on Roads and Transportation to issue a statement relating to the activities of the Committee.

...../Appendix

# (1319)

# (iii) **Pursuant to Standing Order 52(1)**

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 30<sup>th</sup> July, 2019.

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