



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (THIRD SESSION)**  
**THE SENATE**  
**SUPPLEMENTARY ORDER PAPER**  
**TUESDAY, SEPTEMBER 17, 2019 AT 2.30 P.M.**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions (as listed in the Appendix)
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 CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 16 OF 2019)**  
(Sen. CPA. Farhiya Ali, MP and Sen. Mutula Kilonzo Junior, MP)  
*(First Reading)*
9. **\*THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILLS NO. 17 OF 2019)**  
(Sen. Mercy Chebeni, MP)  
*(First Reading)*
10. **\*\*THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 8 OF 2019)**  
(Chairperson, Standing Committee on Finance and Budget)  
*(Second Reading)*
11. **COMMITTEE OF THE WHOLE**  
**\*\*THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 8 OF 2019)**  
(Chairperson, Standing Committee on Finance and Budget)

12. **\*THE COUNTY TOURISM BILL (SENATE BILLS NO. 5 OF 2019)**

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

*(Second Reading)*

13. **\*\*THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 10 OF 2019)**

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

*(Second Reading)*

14. **MOTION - ENGAGEMENT OF COMMUNITY HEALTH WORKERS BY COUNTY GOVERNMENTS**

(Sen. Rose Nyamunga, MP)

**THAT, AWARE THAT** county health facilities, and the promotion of primary health care are devolved functions, and each county government is striving to offer the best healthcare to the people of Kenya;

**COGNIZANT THAT**, the provision of healthcare services is continuously riddled with numerous challenges ranging from understaffing of personnel to inadequate facilities and equipment resulting in congestion in hospitals further restricting effective service delivery;

**NOTING THAT** every Kenyan has a right to affordable and accessible healthcare, and the President has launched a pilot universal health care program called “Afya Care” that will see many Kenyans access improved healthcare;

**CONCERNED THAT**, the diverse nature of counties and wanting infrastructural development is compromising the quality and accessibility of health centres especially during emergency situations, resulting in the loss of many lives occasioned by the failure by patients to reach health facilities in time;

**FURTHER CONCERNED THAT**, in each county there are numerous unemployed community health workers who are adept at working with communities in emergency situations, and have the requisite experience to support the medical practitioners in our country where, according to the World Health Organization 2014 report, there are two (2) doctors for every ten thousand (10,000) people;

**NOW THEREFORE**, the Senate resolves that the Council of Governors in partnership with the Ministry of Health –

- (i) Develop a policy for the training, certification and employment of community health workers to enhance the emergency health service delivery in the Counties, and
- (ii) Facilitate the said community health workers with the necessary basic equipment for use during emergency cases.

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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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APPENDIX

1. MESSAGE

Message from the National Assembly on the approval of the mediated version of the Division of Revenue (No. 2) Bill (National Assembly Bills No. 59 of 2019) by the National Assembly.

2. PETITION

Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Petition concerning challenges facing small scale tea growers in the Kenya Tea Development Agency (KTDA).

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

3. PAPER

Report of the Standing Committee on Finance and Budget on the County Allocation of Revenue Bill (Senate Bills No. 8 of 2019)

*(Chairperson, Standing Committee on Finance and Budget)*

4. NOTICES OF MOTION

(i) 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.

(ii) **AD HOC COMMITTEE TO INVESTIGATE MANAGED EQUIPMENT SERVICES (MES).**

(The Senate Majority Leader and the Senate Minority Leader)

**THAT, AWARE THAT** while Health is a devolved function, Article 4(3) of the Constitution states that ‘the governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation’;

**FURTHER AWARE THAT**, there is no existing comprehensive legal framework to guide the consultative and collaborative process between the Ministry of Health (MoH) and County Governments;

**COGNIZANT THAT**, when the Managed Equipment Services (MES) project was launched on 6th February, 2015, the Ministry of Health entered into arrangements with five foreign firms for the provision of specialized medical equipment worth Kshs. 38 Billion;

**NOTING THAT**, according to the Ministry of Health, the project is aimed at improving health infrastructure and enhancing the capacity of counties to provide specialized health care targeting non-communicable conditions such as cancer and renal conditions, as well as to promote diagnostic, radiological and critical care services;

**CONCERNED THAT**, the Council of Governors (COG) has voiced opposition to the project on the grounds that County governments were not involved in the tender-procurement process, the monies are debited annually from the accounts of the Counties directly by the Treasury, there was lack of proper consultation between the Ministry of Health and County governments, and, that leasing the medical equipment was ultimately more expensive than direct purchase;

**CONCERNED FURTHER THAT**, the extent to which county government structures or institutions were involved in the project has remained unclear, and the opposition raised by the COG reveals serious gaps in the consultative process between the MoH and county governments, including the terms of the contracts which end in 2022;

**NOW THEREFORE** in exercise of its oversight function, the Senate resolves to establish an adhoc committee to investigate and establish the facts surrounding the leasing of the Medical Equipment, in the now 119 beneficiary hospitals country wide, including-

- i. whether county governments were involved in prioritizing the medical equipment in accordance with their needs;
- ii. the details of the company from which the equipment was leased;
- iii. the viability and benefit of leasing versus outright purchase;

- iv. the availability of adequate numbers of health human resource to provide specialized health services as envisaged in this project;
- v. the operation, training and maintenance facilities in place for the equipment;
- vi. the terms and period of the lease of each piece of equipment, where the equipment was supplied, the lease amount, and who bears the cost of the residual value of the equipment at the end of the lease term;
- vii. the schedule of equipment supplied to each hospital, and the cost thereof, including proof that the monies disbursed were utilised for the intended purpose; and,
- viii. the results of the exercise, considering the terms of the contract end in 2022, when equipment has remained unused in some counties despite the county having paid annually for the installation, maintenance and utilisation of the same since 2015;

and submit a report to the House within 90 days;

**AND FURTHER THAT,** the following Senators be appointed to serve in the committee –

- 1. Sen. Mbito Michael, MP – Member;
- 2. Sen. Abdullahi Ali, MP – Member;
- 3. Sen. Seneta Mary, MP – Member;
- 4. Sen. Kinyua John Nderitu, MP – Member;
- 5. Sen. Ali Farhiya, MP - Member;
- 6. Sen. Wetangula, Moses Masika MP - Member;
- 7. Sen. Lokorio, Petronilla Were, MP - Member;
- 8. Sen. Masitsa, Naomi Shiyonga, MP - Member; and,
- 9. Sen. Outa, Frederick Otieno, MP - Member

**5. STATEMENTS**

**(i) Pursuant to Standing Order 47(1)**

The Senator for Vihiga County (Sen. George Khaniri, MP) to make a statement on the continued failure by county governments to meet their Own Source Revenue (OSR) targets.

**(ii) Pursuant to Standing Order 48(1)**

- a) Nominated Senator (Sen. (Dr.) Agnes Zani, MP) to seek a statement from the Standing Committee on Labour and Social Welfare on status of inclusion of persons with disabilities (PWDS) in the labour market.
- b) Nominated Senator (Sen. (Dr.) Agnes Zani, MP) to seek a statement from the Standing Committee on Finance and Budget on issues and status of operationalization of IFMIS in the 47 counties.

- c) The Senator for Vihiga County (Sen. George Khaniri, MP) to seek a statement from the Standing Committee on Health on the rapid collapse of Kenya's healthcare system.
- d) The Senator for Kisumu County (Sen. Fred Outa, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on the unrest at Kisumu County Assembly.
- e) The Senator for Makueni County (Sen. Mutula Kilonzo Junior, MP) to seek a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on the plight of Internally Displaced Persons (IDPs).

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