



REPUBLIC OF KENYA  
**TWELFTH PARLIAMENT – (THIRD SESSION)**  
**THE SENATE**  
**ORDER PAPER**

**WEDNESDAY, NOVEMBER 13, 2019 AT 2.30 P.M.**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. **MOTION – ADOPTION OF REPORT OF SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON ACCOUNTS OF COUNTY EXECUTIVES FOR FINANCIAL YEAR 2014/2015**  
(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Baringo, Busia, Elgeyo Marakwet, Embu, Kajiado, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Lamu, Makueni, Marsabit, Meru, Nakuru, Narok, Nyamira, Uasin Gishu, Vihiga and West Pokot County Executives for Financial year 2014/2015 (1<sup>st</sup> July, 2014 to 30<sup>th</sup> June, 2015), laid on the Table of the Senate on Wednesday, 9<sup>th</sup> October, 2019.

*(Resumption of debate interrupted on Wednesday, 6<sup>th</sup> November, 2019)  
(Division)*

9. **COMMITTEE OF THE WHOLE**  
**\*THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**  
(Sen. Ledama Olekina, MP)
10. **COMMITTEE OF THE WHOLE**  
**\*THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**  
(Sen. Mary Seneta, MP)

...../Bill

11. COMMITTEE OF THE WHOLE

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

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

12. COMMITTEE OF THE WHOLE

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

(The Senate Majority Leader)

13. COMMITTEE OF THE WHOLE

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

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

14. COMMITTEE OF THE WHOLE

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

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

15. **\*THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 11 OF 2019)**

(Sen. Beatrice Kwamboka, MP)

*(Second Reading)*

*(Resumption of debate interrupted on Wednesday, 6<sup>th</sup> November, 2019)*

16. **\*THE REGISTRATION OF PERSONS (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2019)**

(Sen. (Dr.) Isaac Mwaura, MP)

*(Second Reading)*

*(Resumption of debate interrupted on Thursday, 7<sup>th</sup> November, 2019)*

17. **\*THE ALTERNATIVE DISPUTE RESOLUTION BILL (SENATE BILLS NO. 19 OF 2019)**

(Sen. (Arch.) Sylvia Kasanga, MP)

*(Second Reading)*

18. **MOTION –REPORTS OF THE PARLIAMENT OF KENYA DELEGATION TO THE GLOBAL SUMMIT ON OPEN GOVERNANCE PARTNERSHIP**

(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.

-----

...../Notice

**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

-----

**NOTICE OF AMENDMENTS**

**A. \*THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

(Sen. Ledama Olekina, MP)

- (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 Retirement Benefits (Deputy President and Designated State Officers) Bill, 2018, at the Committee Stage—

**CLAUSE 2**

Amendment of section 2 of Act No. 8 of 2015 **THAT** the Bill be amended by deleting clause 2 and substituting the following new clause—

Section 2 of the Retirement Benefits (Deputy President and Designated State Officers) Act, 2015, hereinafter referred to as the “principal Act”, is amended by—

- (a) inserting the following new definition immediately after the definition of the term “entitled person”—  
“pensionable emoluments” means basic salary excluding housing, transport and any other allowances or fluctuating emoluments;
- (b) deleting the definition of the term “retired vice president” and substituting therefor the following new definition—  
“retired Vice-President” means a person who, having held the office of the Vice President at any time after 1st January, 1993, has ceased to hold office as such in the manner specified in the Constitution;

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended by—

- (a) renumbering the proposed new section 10 as subsection (1); and
- (b) inserting the following new subsection immediately after subsection (1)—

(2) Where an entitled person has no surviving spouse or an eligible child the benefits payable shall form part of the estate of the deceased for administration.

**CLAUSE 8**

**THAT** the Bill be amended by deleting clause 8.

...../Amendments

**CLAUSE 9**

**THAT** the Bill be amended by deleting clause 9.

**CLAUSE 10**

**THAT** the Bill be amended by deleting clause 10.

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 7—

Amendment of **7A**. The First Schedule of the principal Act is amended in First Schedule paragraph (h) by deleting the word “two” appearing at the of Act No. 8 of beginning of the paragraph.  
2015

- (ii) **NOTICE** is given that Sen. Farhiya Ali Haji, intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Act, Senate Bills No. 2 of 2018, at the Committee Stage—

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended by inserting the following new paragraphs after paragraph (a)-

(aa) in subsection (1) by deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

(ab) in subsection (1) by deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**THAT** the Bill be amended by introducing the following new clauses after clause 5

**CLAUSE 5A**

**THAT** section 5A of the Act be amended by-

(a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

(b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**CLAUSE 5B**

**THAT** section 5B of the Act be amended by-

(a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

- (b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**CLAUSE 5C**

**THAT** section 6 of the Act be amended by-

- (a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.
- (b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**CLAUSE 5D**

**THAT** section 7 of the Act be amended by-

- (a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.
- (b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**B. \*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 Mbitio 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;

...../Amendments

Cap 534

- (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.

(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.

...../Amendments



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.

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

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

**NOTICE** is given that the Chairperson of the Standing Committee on Health, Senator Michael Mbiti intends to move the following amendments to the Cancer Prevention and Control (Amendment) Bill (Senate Bills No. 9 of 2019) at the Committee Stage —

**CLAUSE 3**

**THAT** the Bill be amended by deleting clause 3 and substituting therefor the following new clause—

Amendment of section 5 of No. 20 of 2013.

**3.** Section 5 of the principal Act is amended —

(a) by deleting paragraph (a) and inserting therefor the following new paragraphs—

(a) advise the Cabinet Secretary and county governments on matters relating to the prevention of disease, promotion of healthy living, control, treatment, referral and care of persons with cancer and to advise on the relative priorities to be given to the implementation of specific measures including detection, diagnosis and referral of children suspected to have cancer, genetic and hormonal therapies for cancer;

(aa) advice the Cabinet Secretary and Parliament on the resources required to finance and conduct cancer research;

(b) in paragraph (c) by inserting the word “screening” immediately after the words “secure provision of”;

- (c) in paragraph (d) by deleting the words “in Kenya” appearing immediately after the words “services provided” and substituting therefor the words “by the national government”;
- (d) by inserting the following new paragraph immediately after paragraph (d) –
  - (da) collaborate with counties for the purpose of establishing facilities, delivery of services, collection and analysis of data;
  - (db) collaborate with counties in all matters related to the promotion of healthy living, prevention, diagnostic, treatment and control of cancer.
- (e) in paragraph (e) by deleting the words “of cancer” and substituting therefor the words “referral of cancer patients and promotion of health”;
- (f) in paragraph (f) by inserting the words “other government agencies” immediately after the words “collaborate with”;
- (g) by inserting the following new paragraph immediately after paragraph (f)—
  - (fa) collaborate with other national government agencies, universities, research institutions and international research institutions for cancer research;
- (h) by inserting the following new paragraph immediately after paragraph (k)—
  - (ka) develop programmes for early detection, diagnosis and referral of children suspected to have cancer;
  - (kb) provide the policy framework necessary to ensure public private partnership in childhood cancer care;

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended—

- (a) by deleting paragraph (b) and substituting therefor the following new paragraph—
  - (b) deleting paragraph (j); and
- (b) by deleting paragraph (c) and substituting therefor the following new paragraph—

...../Amendments

- (c) inserting the following new paragraphs immediately after (i)—
  - (ja) two County Directors of Health nominated by the Council of County Governors;
  - (jb) one person representing the umbrella body of clinical pathologists in Kenya nominated by the Cabinet Secretary;

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended—

- (a) in the proposed new section 22A subsection (1) —
  - (i) by inserting the word “diagnosis” immediately after the words “equipment for the prevention” appearing in paragraph (b);
  - (ii) by inserting the following new paragraph immediately after paragraph (d)—
    - (da) put in place measures to improve the training and skills of health workers working in the community health unit, to ensure prompt detection and referral of persons suspected to have cancer;
  - (iii) by deleting paragraph (g) (ii) and substituting therefor the following new sub-paragraph—
    - (ii) palliative care facilities and facilities for the accommodation for persons receiving cancer treatment;
  - (iv) by deleting paragraph (h) and substituting therefor the following new paragraph—
    - (h) ensure that issues concerning cancer prevention, diagnosis and treatment are incorporated into the county development programmes and strategies and allocate the resources required for treatment and control of cancer;
- (b) in the proposed new section 22C—
  - (i) by inserting the word “diagnosis” immediately after the words “responsible for the prevention” appearing in subsection (1);
  - (ii) by deleting subsection (2) (b) and substituting therefor the following new paragraph—
    - (b) provide cancer screening and diagnostic services supervised by a pathologist;

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

(The Senate Majority Leader)

**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 Hall of Fame Bill, 2018 at the Committee Stage—

**CLAUSE 3**

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

...../Amendments

(c) provide a framework for the establishment of monuments for honouring persons who have made significant contributions to the county.

**CLAUSE 6**

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

(a) deleting paragraph (d) and substituting therefor the following new paragraph—

(d) two members of the public with experience in public affairs who shall be of the opposite gender, appointed by the County Public Service Board.

(b) by inserting the following new paragraphs immediately after paragraph (d)—

- (e) one person with disability representing persons with disability;
- (f) one person with knowledge and experience in matters relating to law;
- (g) one youth representing the youth; and
- (h) one older member of the society representing older members of the society.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by deleting the word “two” appearing immediately before the word “times” and substituting therefor the word “three”.

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended in subclause (1) (d) by inserting the words “or country” at the end of the paragraph.

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended in subclause (1) by deleting the words “A resident within a county” appearing immediately before the words “may submit” and substituting therefor the words “A person”.

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended by inserting the words “county gazette” immediately before the words “such media and platforms”.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (b)—

(c) monuments erected in honour of the county heroes.

APPENDIX

**1. PETITIONS**

- (i) Petition to the Senate on historical land injustices against the Kipsigis Community by the British.

*(The Speaker of the Senate)*

- (ii) Petition to the Senate concerning delayed opening of Njiru Secondary School in Nairobi City County.

*(Sen. Millicent Omanga, MP)*

**2. STATEMENTS**

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

The Senator for Bungoma County (Sen. Moses Wetang'ula, MP) to make a statement on the sale of contaminated maize meal products.

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

a) Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) to seek a statement from the Standing Committee on Labour and Social Welfare on the dismissal of workers at the Mumias Sugar company.

b) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) to seek a statement from the Standing Committee on Finance and Budget on the status of funds donated to counties by the Danish International Development Agency (DANIDA).

c) Nominated Senator (Sen. Abshiro Halake, MP) to seek a statement from the Standing Committee on Energy on electricity connectivity in Isiolo County.

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

a) The Chairperson, Standing Committee on Energy to issue a statement relating to the activities of the Committee;

b) The Chairperson, Standing Committee on Finance and Budget to issue a statement relating to the activities of the Committee; and

c) The Chairperson, Standing Committee on Health to issue a statement relating to the activities of the Committee.

-----