



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**THE SENATE**

**ORDER PAPER**

**WEDNESDAY, SEPTEMBER 15, 2021 AT 2.30 P.M.**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. **MOTION- APPROVAL OF SEN. JOHN KINYUA NDERITU, MP, TO SERVE IN THE SPEAKER'S PANEL AND PRESIDE OVER THE SENATE IN THE ABSENCE OF THE SPEAKER AND DEPUTY SPEAKER**  
(Senate Majority Leader)

**THAT**, pursuant to Standing Order 17, the Senate approves the nomination of Sen. John Kinyua Nderitu, MP, as a Member of the Speaker's Panel; and further, to be elected to preside over the Senate in the absence of the Speaker and the Deputy Speaker, pursuant to Article 107(1)(c) of the Constitution and Standing Order 15 of the Senate.

9. **MOTION – APPROVAL OF SENATORS TO SERVE IN THE COMMITTEE OF POWERS AND PRIVILEGES**  
(The Senate Majority Leader)

**THAT, NOTWITHSTANDING** the resolution of the Senate made on 14<sup>th</sup> February, 2018, and 24<sup>th</sup> June, 2020, on the approval of Senators to serve in the Committee of Powers and Privileges, and pursuant to Section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Order 189, the Senate approves the following Senators nominated to serve in the Committee of Powers and Privileges –

...../*Motions*

1. Sen. (Canon) Naomi Waqo, MP to replace Sen. (Dr.) Alice Milgo, MP;
2. Sen. Christine Zawadi Gona, MP to replace Sen. Kipchumba Murkomen, EGH, MP; and
3. Sen. Abdulkadir Mohamed Haji, MP to replace Sen. Kimani Wamatangi, MP.

10. **MOTION – APPROVAL OF SEN. (PROF.) SAMSON ONGERI, EGH, MP TO SERVE IN THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION**  
(The Senate Majority Leader)

**THAT, NOTWITHSTANDING**, the resolution of the Senate made on 30<sup>th</sup> March, 2021 on the approval of Senators to serve in the Sessional Committee on Delegated Legislation, and pursuant to Standing Orders 189 and 219, the Senate approves the nomination of Sen. (Prof.) Samson Ongeru, EGH, MP to replace Sen. Erick Okong’o Mogeni, SC, MP as a Member of the Sessional Committee on Delegated Legislation.

11. **MOTION – RECONSTITUTION OF STANDING COMMITTEES**  
(The Senate Majority Whip)

**THAT, NOTWITHSTANDING**, the resolutions of the Senate made on 14<sup>th</sup> December, 2017; 14<sup>th</sup> February, 2018; 21<sup>st</sup> February, 2018; 21<sup>st</sup> November, 2018; 20<sup>th</sup> March, 2019; 19<sup>th</sup> June, 2019; 28<sup>th</sup> April, 2020; and 24<sup>th</sup> June, 2020 on the approval of Senators to serve in various Standing Committees of the Senate, and pursuant to Standing Orders 189, 218, and the Second Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows –

**(i) Committee on Agriculture, Livestock and Fisheries**

1. Sen. (Prof.) Margaret Kamar, EGH, MP to replace Sen. (Eng.) Ephraim Mwangi Maina, MP;
2. Sen. Haji Abdul Mohammed, MP to replace Sen. (Dr.) Mbitio Michael Maling’au, MP;
3. Sen. (Dr.) Gertrude Musuruve Inimah, MP to replace Sen. Boy Issa Juma, MP; and
4. Sen. Agnes Kavindu Muthama, MP to serve as a Member.

**(ii) Committee on Devolution and Intergovernmental Relations**

1. Sen. Njeru Ndwiga, EGH, MP to replace Sen. Aaron Cheruiyot, MP.
2. Sen. Samson Cherarkey, MP to serve as a Member;
3. Sen. Irungu Kang’ata, MP to serve as a Member; and
4. Sen. Agnes Kavindu, MP to serve as a Member.

**(iii) Committee on Education**

1. Sen. Naomi Shiyonga Masitsa, MP to replace Sen. (Dr.) Gertrude Musuruve Inimah, MP; and
2. Sen. Boy Issa Juma, MP to replace Sen. (Prof.) Imana Malachi Charles Ekal, MP.

**(iv) Committee on Energy**

1. Sen. Susan Kihika, MP to replace Sen. Abshiro Halake, MP;
2. Sen. Kipchumba Murkomen, EGH, MP to replace Sen. John Kinyua Nderitu, MP; and
3. Sen. Haji Abdul Mohammed, MP, to serve as a Member.
4. Sen. Moses Wetangula, EGH, MP to replace Sen. (Prof.) Imana Malachy Ekal, MP

**(v) Committee on Finance and Budget**

Sen. (Prof.) Samson Ongeri, EGH, MP to replace Sen. (Dr.) Ochillo Ayacko, EGH, MP.

**(vi) Committee on Information, Communication and Technology**

1. Sen. Samuel Poghisi, EGH, MP to replace Sen. Gideon Moi, CBS, MP;
2. Sen. (Eng.) Mahamud, Mohamed Maalim, CBS, MP to replace Sen. Susan Kihika, MP;
3. Sen. Moses Kajwang', MP to replace Sen. Petronilla Were Lokorio, MP; and
4. Sen. (Dr.) Gertrude Musuruve Inimah, MP to replace Sen. Mercy Chebeni, MP.

**(vii) Committee on Justice, Legal Affairs and Human Rights**

Sen. (Eng.) Ephraim Maina, EBS, MP to serve as a Member.

**(viii) Committee on Labour and Social Welfare**

1. Sen. Ledama Olekina, MP to replace Sen. Johnes Mwaruma, MP; and
2. Sen. Philip Salau Mpaayei, MP to replace Sen. Paul Mwangi Githiomi, MP.

**(ix) Committee on Land, Environment and Natural Resources**

Sen. (Dr.) Alice Milgo, MP to replace Sen. Ndwiga Peter Njeru, MP; and further that Sen. Gideon Moi, CBS, MP ceases being a Member of the Committee.

...../**Motions**

**(x) Committee on National Cohesion, Equal Opportunity and Regional Integration**

- 1. Sen. Abshiro Halake, MP to replace Sen. (Dr.) Christopher Andrew Lang’at, MP; and
- 2. Sen. (Dr.) Ochillo Ayacko, EGH, MP to replace Sen. (Dr.) Gertrude Musuruve Inimah, MP.

**(xi) Committee on National Security, Defence and Foreign Relations**

- 1. Sen. Gideon Moi, CBS, MP to replace Sen. (Eng.) Mahamud, Mohamed Maalim, CBS, MP; and
- 2. Sen. Paul Mwangi Githiomi, MP to serve as a Member.

**(xii) Committee on Tourism, Trade and Industrialization**

- 1. Sen. Aaron Cheruiyot, MP to replace Sen. Philip Mpaayei, MP;
- 2. Sen. (Prof.) Imana Malachy Charles Ekal, MP to replace Sen. (Dr.) Agnes Zani, CBS MP; and
- 3. Sen. Petronilla Were Lokorio, MP, to replace Sen. Mercy Chebeni, MP.

**12. MOTION - ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON DELEGATED LEGISLATION, ON THE PUBLIC FINANCE MANAGEMENT (SINKING FUND) GUIDELINES, 2021**

(Chairperson, Sessional Committee on Delegated Legislation)

**THAT**, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the Consideration of the Public Finance Management (Sinking Fund) Guidelines, 2021 laid on the Table of the Senate on Wednesday, 8<sup>th</sup> September, 2021, and that pursuant to Section 18 of the Statutory Instruments Act, Section 205 of the Public Finance Management Act, and Standing Order 221(4)(b), **annuls** in its entirety, the Public Finance Management (Sinking Fund) Guidelines, 2021.

***(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> September, 2021)  
(Division)***

**13. COMMITTEE OF THE WHOLE  
\*\*THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO. 35 OF 2021)**

(The Chairperson, Standing Committee on Finance and Budget)

***(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> September, 2021)  
(Division)***

**14. COMMITTEE OF THE WHOLE  
\*THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)**

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

...../Bills

*(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> September, 2021)  
(Division)*

- 15. **COMMITTEE OF THE WHOLE**  
**\*THE BASIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2021)**  
(Sen. Beatrice Kwamboka, MP)

*(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> September, 2021)  
(Division)*

- 16. **COMMITTEE OF THE WHOLE**  
**\*THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILLS NO. 32 OF 2020)**  
(Sen. Mercy Chebeni, MP)

*(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> September, 2021)  
(Division)*

- 17. **COMMITTEE OF THE WHOLE**  
**\*\*THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)**  
(The Chairperson, Standing Committee on Finance and Budget)

*(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> September, 2021)  
(Division)*

- 18. **\*THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)**  
(Sen. Abshiro Halake, MP)

*(Second Reading)*

*(Resumption of debate interrupted on Wednesday, 4<sup>th</sup> August, 2021)*

- 19. **\*\*\*THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)**  
(The Senate Majority Leader)

*(Second Reading)*

- 20. **\*THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**  
(Sen. Kipchumba Murkomen, MP)

*(Second Reading)*

- 21. **\*THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 14 OF 2021)**  
(Sen. Mutula Kilonzo Jr, MP and Sen. Sakaja Johnson, MP)

*(Second Reading)*

- 22. **\*THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 26 OF 2020)**  
(Sen. (Dr.) Abdullahi Ali, MP)

*(Second Reading)*

...../Motions

23. **MOTION - FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES**

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

**THAT, WHEREAS** Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

**AWARE THAT**, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

**NOTING** that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

**ACKNOWLEDGING**, that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life’s activities;

**CONCERNED**, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

**NOW THEREFORE**, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to –

- a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya’s heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and
- b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

***(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> September, 2021)***

24. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS, CONCERNING THE IMPASSE ON THE BUDGETARY ESTIMATES FOR FINANCIAL YEAR 2020/2021 FOR KIRINYAGA COUNTY BETWEEN THE COUNTY EXECUTIVE AND THE COUNTY ASSEMBLY**

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

**THAT**, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations, on the impasse on the budgetary estimates for financial year 2020/2021 for Kirinyaga County, between the County Executive and the County Assembly, laid on the Table of the Senate on Tuesday, 25<sup>th</sup> May, 2021.

25. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON INQUIRY INTO THE OPERATIONALIZATION OF THE NATIONAL CONSTRUCTION AUTHORITY (DEFECTS LIABILITY) REGULATIONS**

(The Chairperson, Standing Committee on Roads and Transportation)

**THAT**, the Senate adopts the report of the Standing Committee on Roads and Transportation on its inquiry into the operationalization of the National Construction Authority (Defects Liability) Regulations, laid on the Table of the Senate on Thursday, 24<sup>th</sup> September, 2020.

26. **MOTION - PARKING CHARGES IN PUBLIC INSTITUTIONS OFFERING ESSENTIAL SERVICES**

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

**AWARE THAT**, many urban areas and towns in Kenya lack designated car parking areas as a result of imbalance between parking supply and demand mainly due to ineffective land use planning and miscalculations of space requirements, thereby leading to exorbitant parking fees;

**NOTING** that, most essential services offered in hospitals, educational institutions and other public utilities are offered in urban centers, shopping malls and other designated areas that charge parking fees to access;

**ACKNOWLEDGING**, that whether they are delivered by public or private providers, essential services such as health, banking, education and other utilities are considered to be public services because they are public goods that sustain the well-being of every citizen and help in the development of the society as a whole;

**CONCERNED**, that access to hospitals, educational institutions and other places offering essential services might be hindered due to exorbitant parking fees levied on motorists accessing these services;

**FURTHER CONCERNED**, that charging entry fees amount to double taxation as the motorists who would have paid the parking fees will still pay for the services they seek;

**NOW THEREFORE**, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant fees for parking.

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...../Notice



**NOTICE**

1. **THAT**, pursuant to Standing Order 251A and 251B, the sitting will be a hybrid sitting consisting of Senators who are physically present in the Senate Chamber and Senators participating virtually from a remote location through **Zoom** online meeting platform, as per guidelines issued by the Speaker pursuant to Standing Order 251A(4).
2. The Senate resolved on 10<sup>th</sup> February, 2021, 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. –

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**KEY**

**\*\*\*\*- Denotes a Majority /Minority Party Bill**

**\*\*\*- Denotes a National Assembly Bill**

**\*\* - Denotes a Committee Bill**

**\*- Denotes any other Bill**

**A. THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO. 35 OF 2021)**

(The Chairperson, Standing Committee on Finance and Budget)

**NOTICE** is given that the Chairperson, Standing Committee on Finance and Budget intends to move the following amendment to the County Governments Grants Bill (Senate Bills No. 35 of 2021), at the Committee Stage-

**CLAUSE 3**

**THAT** the Bill be amended in clause 3-

- (a) by deleting the phrase “187(2) and” appearing immediately after the words “to Article” in paragraph (a); and
- (b) by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) facilitate the transfer of conditional and unconditional allocations made to counties under this Act from the Consolidated Fund to the respective County Revenue Funds and special purpose accounts.

**CLAUSE 4**

**THAT** the Bill be amended by deleting clause 4.

**CLAUSE 5**

**THAT** the Bill be amended by deleting clause 5.

**CLAUSE 6**

**THAT** the Bill be amended by deleting clause 6.

**CLAUSE 7**

**THAT** the Bill be amended by deleting clause 7.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended –

- (a) in subclause (1) by-
  - (i) inserting the words “share of revenue” immediately after the words “from national government” in the introductory phrase ;
  - (ii) deleting the word “Second” appearing immediately after the words “Column B of the” in paragraph (a) and substituting therefor the word “First”;
  - (iii) deleting the word “Second” appearing immediately after the words “Column C of the” in paragraph (b) and substituting therefor the word “First”;

(b) in subclause (2) by -

- (i) deleting the word “Third” appearing immediately after “Column B of the” in paragraph (a) and substituting therefor the word “Second”;
- (ii) deleting the word “Third” appearing immediately after “Column C of the” in paragraph (b) and substituting therefor the word “Second”;
- (iii) deleting the word “Third” appearing immediately after “Column D of the” in paragraph (c) and substituting therefor the word “Second”;
- (iv) deleting the word “Third” appearing immediately after “Column E of the” in paragraph (d) and substituting therefor the word “Second”;
- (v) deleting the word “Third” appearing immediately after “Column F of the” in paragraph (e) and substituting therefor the word “Second”;
- (vi) deleting the word “Third” appearing immediately after “Column G of the” in paragraph (f) and substituting therefor the word “Second”;
- (vii) deleting the word “Third” appearing immediately after “Column H of the” in paragraph (g) and substituting therefor the word “Second”;
- (viii) deleting the word “Third” appearing immediately after “Column I of the” in paragraph (h) and substituting therefor the word “Second”;
- (ix) deleting the word “Third” appearing immediately after “Column J of the” in paragraph (i) and substituting therefor the word “Second”;
- (x) deleting the word “Third” appearing immediately after “Column K of the” in paragraph (j) and substituting therefor the word “Second”;
- (xi) deleting the word “Third” appearing immediately after “Column L of the” in paragraph (k) and substituting therefor the word “Second”;
- (xii) deleting the word “Third” appearing immediately after “Column M of the” in paragraph (l) and substituting therefor the word “Second”;

(c) by inserting the following new subclause immediately after subclause (3)-

(3A) A county government’s allocation under subsection (2) shall be transferred to the respective county revenue fund in accordance with a payment schedule published in the Kenya Gazette by the Cabinet Secretary in accordance with section 17 of the Public Finance Management Act.

(d) by deleting the words “subsection 1(b)” appearing immediately after the words “allocations under” and substituting therefor the words “subsections (1) and (2)”; and

...../Amendments

(e) by deleting subclause (6).

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended by inserting the words “by the 15<sup>th</sup> day of each subsequent month” immediately after the words “Secretary shall publish”.

**CLAUSE 11**

**THAT** clause 11 of the Bill be amended -

- (a) in paragraph (c) deleting the words “or framework” appearing immediately after the words “the intergovernmental agreement”; and
- (b) in paragraph (d) deleting the words “of framework” appearing immediately after the words “an intergovernmental agreement”.

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended -

(a) in paragraph (a) by deleting the marginal note in the proposed new section 42 and substituting therefor the following new marginal note -  
Consideration by Parliament of Bills allocating revenue and additional allocations.

(b) by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) in section 191 by-

(i) deleting the marginal note and substituting therefor the following new marginal note-

Bills allocating revenue and additional allocations.

(ii) deleting subsection (1) and substituting therefor the following new subsection-

(1) Each year when the Budget Policy Statement is introduced, the Cabinet Secretary shall submit to Parliament a Division of Revenue Bill, a County Allocation of Revenue Bill and a Bill relating to the allocation and transfer of additional allocations under Article 202(2) of the Constitution prepared by the National Treasury as provided in this Act for the financial year to which that Budget relates.

(iii) deleting subsection 3(b);

(iv) inserting the following new subsection immediately after subsection (3)

(3A) A Bill making allocations under Article 202(2) of the Constitution shall specify any other allocations to the counties from the national government’s share of that revenue and any conditions to which those allocations shall be made.

(c) by inserting the following new paragraph immediately after paragraph (b)

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(c) by inserting the following new sections immediately after section 191 -

Intergovernmental agreements. **191A.** (1) The National Treasury shall enter into an agreement with the respective county government for the transfer of the respective conditional allocation made to the county government pursuant to this Act.

(2) An agreement under subsection (1) shall set out any conditions that may be attached to the conditional allocations made under this Act.

(3) Where a county government intends to enter into an agreement under subsection (1), the county executive committee member shall submit the agreement to the respective County Assembly for approval.

(4) The County Assembly shall, within fourteen days of submission of an agreement under subsection (3), approve or reject the agreement.

(5) Where a County Assembly fails to consider an agreement under subsection (3) within fourteen days, the agreement shall be deemed to be approved.

(6) An agreement under subsection (1) shall set out all conditions attached to an allocation made under this Act.

(7) The respective county government shall forward the agreement approved under this section to the Controller of Budget within seven days of approval.

Public participation. **191B.**The county executive committee member shall facilitate public participation on any agreement made pursuant to section 191A.

...../Amendments

Execution of agreement for conditional allocation.

**191C.** An agreement under section 191A shall be –

- (a) signed by an authorized person or officer; and
- (b) published in the *Kenya Gazette* within a period of seven days of the agreement.

Submission to Senate.

**191D.** (1) The National Treasury shall, within seven days of entering into an agreement under section 191A, submit to the Senate and the Controller of Budget, the agreement together with any other documents relating to the agreement.

(2) The National Treasury shall publish and publicize all agreements entered into pursuant to section 191A.

Requisition of funds

**191E.** Requisition of funds from the county revenue fund for the purposes of a conditional grant shall be supported by the intergovernmental agreement approved under section 191A.

**NEW CLAUSE 13**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 12-

Transition

**13.** (1)The requirements under sections 191A to 191D of the Public Finance Management Act shall not apply to the 2021/2022 financial year.

(2) The conditional grants for the financial year 2021/2022 shall be disbursed in accordance with the provisions of the Public Finance Management Act.

**CLAUSE 2**

**THAT** the Bill be amended in clause 2 –

- (a) in the definition of the term “agreement” by deleting the word “subsection” appearing immediately after the words “into under”;
- (b) in the definition of the term “conditional allocations” by deleting the words “revenue raised nationally” appearing immediately after the words “governments from” and substituting therefor the words “the national government’s share of revenue”;
- (c) by inserting the following definitions in their proper alphabetical order-  
“authorized person”-

- (a) in relation to the national government shall be the principal secretary responsible for matters relating to finance or a person appointed by that principal secretary in writing;
- (b) in relation to a county government shall be the county executive committee member responsible for matters relating to finance or a person appointed by that county executive committee member in writing.

**LONG TITLE**

**THAT** the Bill be amended by deleting long title and substituting therefor the following new title—

**AN ACT** of Parliament to provide for the additional allocations to county governments for the 2021/2022 financial year; the responsibilities of national government and county governments pursuant to such allocation; and for connected purposes.

**B. THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)**

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

**NOTICE** is given that the Chairperson, Standing Committee on Health, intends to move the following amendments to the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020) at the Committee Stage —

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended in the proposed new section 2E (5) by—

- (a) deleting paragraph (e) and substituting therefore the following new paragraph—

(e) is removed by the county executive committee member for being unable to perform the functions of the office by reason of mental or physical infirmity.

- (b) inserting the following new subclause immediately after subclause (5)

(5A) Before the removal of a member under subsection (5)(e), the county executive committee member shall request the Council to—

- (a) investigate the circumstances giving rise to the proposed removal; and
- (b) make recommendations on whether or not the member should be removed from office.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by deleting the proposed new section 4B and substituting therefor the following new section—

Removal of **4B.**(1) A member of the Board may be removed from office  
 member of for —  
 Board from (a) inability to perform the functions of the office  
 office. (b) arising out of physical or mental incapacity;  
 (c) gross misconduct;  
 (d) incompetence or negligence of duty; or  
 (e) any other ground that would justify removal  
 from office under any written law.

(2) Before the removal of a member of the Board under subsection (1)(a), the Cabinet Secretary shall request the Board to—

- (a) investigate the circumstances giving rise to the proposed removal; and
- (b) make recommendations on whether or not the member should be removed from office.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended -

(a) in the proposed new section 9D by inserting the following new paragraph immediately after paragraph (e)—

(ea) the number of mental health patients admitted on an emergency basis that the mental health facility or unit has discharged, are still under its care or have died in the course of treatment;

(b) in the proposed new section 9F(2) by inserting the words “side effects” immediately after the words “likely duration” in paragraph (b).

**CLAUSE 32**

**THAT** clause 32 of the Bill be amended in the proposed new section 20A(2) by inserting the following new paragraph immediately after paragraph (b) —

(ba) a supporter of the person with mental illness;

**CLAUSE 33**

**THAT** clause 33 of the Bill be amended in the proposed new section 21 by inserting the words “A person” immediately before the word “with mental illness” in subsection (2).



**CLAUSE 38**

**THAT** clause 38 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) subsection (1) and substituting therefor the following new subsection—  
(1) The person in charge or a mental health practitioner in charge of any patient shall enable communication by the patient through letters, telephone calls and emails to the recipients where practicable.

**CLAUSE 50**

**THAT** the Bill be amended by deleting clause 50 and substituting therefor the following new clause—

Amendment of section 54 of Cap. 248. **50.** The Principal Act is amended by deleting section 54 and substituting therefor the following section—

Regulations. **54.** The Cabinet Secretary shall, in consultation with the Board and the Council of County Governors, make regulations—

- (a) prescribing the form of the supportive decision making agreement;
- (b) generally regulating the equipping, administration, control and management of mental health units;
- (c) for the care, treatment and rehabilitation of person with mental illness;
- (d) prescribing the procedure of admission of out-patient patients; and
- (e) for the better carrying out of the provisions of this Act.

**C. THE BASIC EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2021)**

(Sen. Beatrice Kwamboka, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Education, intends to move the following amendment to the Basic Education (Amendment) Bill Senate Bills No. 4 of 2021, at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended in the new clause 38A by inserting the following new sub-clause immediately after sub-clause (3)—

...../Amendments

(4) The Cabinet Secretary shall put in place measures to ensure that alternatives to milk are available for learners who are lactose intolerant.

**D.\*THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILLS NO. 32 OF 2020)**

(Sen. Mercy Chebeni, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Tourism, Trade and Industrialization, intends to move the following amendments to the County Licensing (Uniform Procedures) Bill (Senate Bills No. 32 of 2020) at the Committee Stage-

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended-

(a) deleting paragraph (a) and substituting therefor the following new paragraph-

(a)the need to protect consumers of goods and services, ensure public safety and promote environmental protection;

(b) in paragraph (b) by inserting the word “not” immediately after the words “manner that does”; and

(c) in paragraph (c) by inserting the words “and in accordance with the provisions of the Access to Information Act” immediately after the words “and licensing procedures”.

**CLAUSE 7**

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

(a) by deleting subclause (2) and substituting therefor the following new subclause-

(2) A licensing authority shall, within three years of the commencement of this Act, put in place mechanisms to enable the electronic application for, renewal, transfer or replacement of a licence or a variation of a condition for the issuance of a licence.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended in subclause (1) by inserting the words “in writing” immediately after the words “shall inform”.

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended in subclause (2) by inserting the words “and through such other media as the authority shall consider appropriate” immediately after the words “nationwide circulation”.

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended by deleting paragraph (b).

**CLAUSE 1**

**THAT** the Bill be amended by deleting clause 1 and substituting therefor the following new clause-

Short title and **1.** This Act may be cited as the County Licensing commencement. (Uniform Procedures) Act, 2021 and shall come into operation upon the expiry of six months from the date of assent of this Act.

**E. \*\*THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)**

(The Chairperson, Standing Committee on Finance and Budget)

**NOTICE** is given that the Chairperson, Standing Committee on Finance and Budget intends to move the following amendment to the Salaries and Remuneration (Amendment) Bill, Senate Bills No. 31 of 2020, at the Committee Stage-

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by deleting the word “twenty-eight” appearing immediately after the word “within” and substituting therefor the word “fourteen”.

**APPENDIX**

**1. PETITIONS**

- (i) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by the Makueni County Assembly Committee on Environment and Climate Change, regarding the adverse effects of rock blasting for the construction of Thwake Dam;
- (ii) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by Rt. Rev. Dr. Emmanuel Chemengich, regarding illegal alienation of land belonging to Kitale Primary School by a private developer; and
- (iii) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by residents of Utheri wa Lari concerning compensation for parcels of land acquired by the government to pave way for the construction of the Standard Gauge Railway (SGR).

*(Chairperson, Standing Committee on Land, Environment and Natural Resources)*

**2. PAPER**

Report of the Standing Committee on Labour and Social Welfare on the Persons with Disabilities (Amendment) Bill (Senate Bills No. 29 of 2020).

*(Chairperson, Standing Committee on Labour and Social Welfare)*

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

- i) The Senator for Kitui County (Sen. Enoch Wambua, MP) to seek a statement from the Standing Committee on Education regarding the plight of Early Childhood Development Education (ECDE) teachers in the counties.
- ii) The Senator for Kitui County (Sen. Enoch Wambua, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the plight of village administrators, appointed by the respective County Public Service Boards (CPSB).
- iii) The Senator for Kitui County (Sen. Enoch Wambua, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding rampant wrongful dismissal of employees in public and private sectors in the country.

...../Appendix

- iv) The Senator for Bomet County (Sen. (Dr.) Christopher A. Langat, MP) to seek a statement from the Standing Committee on Health regarding the decision by the National Hospital Insurance Fund (NHIF) to deny cover to COVID-19 patients admitted in non-designated health facilities.
  
- v) Nominated Senator (Sen. Millicent Omanga, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged shooting and subsequent death of Mr. Alex Macharia, a trader at Kahawa West, Nairobi County, by the police.

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