



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, AUGUST 07, 2024 AT 2.30 PM

PRAYER

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(No. 082) WEDNESDAY, AUGUST 07, 2024 (AFTERNOON SITTING) (1397)

11. **COMMITTEE OF THE WHOLE**
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(Second Reading)
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18. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)**
(Sen. Johnes Mwaruma, MP)

(Second Reading)
19. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)**
(Sen. Lenku Ole Kanar Seki, MP)

(Second Reading)

...../Bills

(No. 082) **WEDNESDAY, AUGUST 07, 2024 (AFTERNOON SITTING)** (1398)

20. ***THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)**

(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

21. **THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)**

(Sen. Eddy Oketch, MP)

(Second Reading)

22. ***THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)**

(Sen. Kathuri Murungi, MP)

(Second Reading)

23. ***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 3 OF 2024)**

(Sen. Ledama Olekina, MP and Sen. William Kisang, MP)

(Second Reading)

24. ***THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2024)**

(Sen. Esther Okenyuri, MP)

(Second Reading)

25. ***THE COUNTY STATISTICS BILL (SENATE BILLS NO. 5 OF 2024)**

(Sen. Ali Ibrahim Roba, MP)

(Second Reading)

26. *****THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)**

(The Senate Majority Leader)

(Second Reading)

27. ******THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)**

(The Senate Majority Leader)

(Second Reading)

...../Motion

(No. 082) WEDNESDAY, AUGUST 07, 2024 (AFTERNOON SITTING) (1399)

28. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANG'A, NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2019/2020**

(The Chairperson, County Public Accounts Committee)

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang'a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5th March, 2024.

KEY

******- 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

(No. 082) **WEDNESDAY, AUGUST 07, 2024 (AFTERNOON SITTING)** (1400)

A. *THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)**

(The Senate Majority Leader)

I. NOTICE is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage—

CLAUSE 5

THAT clause 5 of the Bill is amended by inserting the following new paragraphs immediately after paragraph (e)—

- (ea) develop and implement county legislation on betting and other forms of gambling;
- (eb) license prize competitions within a county;
- (ec) license amusement machines;
- (ed) issue trade permits for betting premises;
- (ee) license and issue pool table permits within the county;
- (ef) license and supervise county lotteries;
- (eg) issue trade permits for premises for totalisators;

CLAUSE 7

THAT clause 7 (1) of the Bill be amended by-

- (a) deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) three persons, not being public officers, appointed by the Cabinet Secretary, being persons with a background in finance, law, betting and lotteries or business management, provided that—
 - (i). one shall represent persons with disabilities;
 - (ii). one shall represent the youth; and
 - (iii). one shall represent faith based organisations;
- (b) deleting paragraph (e) and substituting therefor the following new paragraph—
 - (e) three persons nominated by the Council of Governors and appointed by the Cabinet Secretary; and
- (c) deleting paragraph (f)

...../Notice of Amendments

CLAUSE 10

THAT clause 10 of the Bill be amended—

- (a) by deleting paragraph (c);
- (b) in paragraph (f) by inserting the words “in consultation with county governments” immediately after the word “maintain” and
- (c) in paragraph (g) by inserting the words “beneficial owners” immediately after the word “directors” .

CLAUSE 66

THAT clause 66 of the Bill be amended by deleting the words “shall ensure that its” appearing immediately after the word “Authority” and substituting therefor the words “and county governments shall ensure that their”.

CLAUSE 87

THAT clause 87 (2) of the Bill be amended in paragraph (e) by deleting the word “six” appearing immediately after the words “radio between” and substituting therefor the word “five”.

CLAUSE 119

THAT clause 119 (2) be amended by deleting—
(a) paragraph (d); and
(b) paragraph (g).

CLAUSE 123

THAT clause 123 of the Bill be amended by renumbering the current provision as sub clause (1) and inserting therefor the following new sub clauses immediately after the new clause (1)—

Cap 269 (2) The Kenya Revenue Authority Act, is amended in Part II of the First Schedule, by deleting paragraph 7 and substituting therefor the following new paragraph—

7. The Gambling Control Act.

No. 20 of 2023 (3) The National Lottery Act, is amended by inserting the following new clause immediately after clause 52—

Regulations 53. (1) The Cabinet Secretary may in consultation with the Board, make regulations generally for the better carrying into effect of any provisions under this Act.

...../Notice of Amendments

- (2) Without prejudice to the foregoing, regulations made under this section may provide for—
- (a) the procedure to be followed by the Board in exercising any powers conferred upon it by this Act;
 - (b) the conduct of a national lottery;
 - (c) apportionment of the proceeds of the national lottery;
 - (d) procedure for the sale of tickets, prizes of tickets and payment of prizes;
 - (e) announcement and protection of winners of the national lottery;
 - (f) the circumstances under which the national lottery may be advertised; and
 - (g) the places where, circumstances or manner in which signs relating to a national lottery may be displayed.

NEW CLAUSE 117A

THAT the Bill be amended by inserting the following new clause immediately after clause 117—

Operating hours 117A. A licensed betting, gambling, lottery or gaming premise shall operate between ten o’ clock in the evening and five o’ clock in the morning.

- II. NOTICE** is given that the Senator for Nairobi City County (Sen. Edwin Sifuna, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage.

CLAUSE 69

THAT Bill be amended by deleting clause 69 and substituting therefor the following new clause—

Online gambling transaction. 69. An online gambling transaction shall commence when a player deposits money into his or her gaming account and shall conclude when a player withdraws money from his or her gaming account.

- III. NOTICE** is given that the Senator for Nandi County (Sen. Samson Cherarkey, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage –

CLAUSE 28

THAT clause 28 of the Bill be amended—

- (a) in subclause (2) by deleting paragraphs (o), (p) and (q); and

...../Notice of Amendments

(b) by deleting subclause (4).

CLAUSE 31

THAT clause 31 of the Bill be amended in subclause (3) by deleting the word “twelve” appearing immediately after the words “a period of” and substituting therefor the word “thirty six”.

CLAUSE 64

THAT clause 64 of the Bill be amended in subclause (5) by deleting the word “twenty shillings” appearing at the end of the subclause and substituting therefor the words “one shilling”.

CLAUSE 71

THAT clause 71 of the Bill be amended in subclause (3) by deleting the words “five million” appearing immediately after the words “not less than” and substituting therefor the words “fifty thousand”.

THIRD SCHEDULE

THAT the Third Schedule of the Bill be amended in—

- (a) paragraph (b) by deleting the amount “200, 000, 000” and substituting therefor the amount “20,000, 000”; and
- (b) paragraph (c) by deleting the amount “200, 000, 000” and substituting therefor the amount “20,000, 000”.

IV. NOTICE is given that the Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023) at the Committee Stage—

CLAUSE 10

THAT clause 10 of the Bill be amended by inserting the following new paragraph immediately after paragraph (n)—

(na) collaborate with the Kenya Revenue Authority, established under section 3 of the Kenya Revenue Authority Act, to establish a monitoring system for tax compliance under this Act.

CLAUSE 87

THAT clause 87 of the Bill be amended—

- (a) in subclause (2) by deleting paragraph (e); and

...../Notice of Amendments

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(b) by deleting subclause (4) and substituting therefor the following subclause—

(4) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

...../Notice of Amendments

B. *THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)

(Sen. Wakili Hillary Sigei, MP)

NOTICE is given that the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Tea Bill (Senate Bills No. 1 of 2023) at the Committee Stage—

CLAUSE 10

THAT clause 10 of the Bill be amended in paragraph (b) by deleting the words “in subsection (2) by deleting subsection (1)” appearing at the beginning of the paragraph and substituting therefor the words “by deleting subsection (2)”

CLAUSE 11

THAT clause 11 of the Bill be amended in the proposed new section 36A by inserting the words “an agent” immediately after the words “A licenced factory” in subclause (1).

CLAUSE 12

THAT Bill be amended by deleting clause 12 and substituting therefor the following new clause—

12. Section 37 of the principal Act is amended— (a) in subsection (1) by deleting the word “Board” appearing immediately after the words “register with the” and substituting therefor the words “respective county government”; and (b) by deleting subsection(3) and substituting therefore the following new subsection- (3) A county executive committee member responsible for matters relating to agriculture shall, in their respective county, prescribe in county legislation the procedure for registration of commercial green leaf transporters and the appeal process in case of denial of registration.	Amendment of Section 37 of Cap 343
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...../Notice of Amendments

CLAUSE 13

THAT clause 13 of the Bill be amended –

- (a) in paragraph (a) in the proposed new subclause (2) by deleting the words “three shillings, eighty-five cents” appearing immediately after the words “rate not exceeding” and substituting therefor the word “two shillings”
- (b) in paragraph (c) in the proposed new subsection (5) by deleting paragraph (d) and substituting therefor the following new paragraph–
 - (d) ten per centum shall be allocated on pro rata basis to tea growing counties to be utilized on infrastructure development.

CLAUSE 15

THAT clause 15 of the Bill be amended in paragraph (b) in the proposed new subsection (2) by deleting the word “immovable” appearing immediately after the word “All”

NEW CLAUSE 2A

THAT section 5 of the principal of the Act is amended in paragraph (e) by deleting the words “commercial green leaf transporters,” appearing immediately after the words “commercial tea nurseries”.

CLAUSE 2

THAT clause 2 of the Bill be amended –

- (a) in paragraph (b) by deleting the word “enterprise” appearing immediately after the words “Special Economic Zone” in the definition of the term “import”;
- (b) in paragraph (e) –
 - (i) in the definition of the term “direct sales” by inserting the words “or its agent” immediately after the words “between a factory”
 - (ii) in the definition of the term “tea factory limited company” by inserting the words “or medium scale tea growers” appearing immediately after the words “scale tea growers”.

...../Notice of Amendments

(No. 082) WEDNESDAY, AUGUST 07, 2024 (AFTERNOON SITTING) (1407)

C. *THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)

(Sen. Beatrice Ogolla, MP)

I. **NOTICE** is given that the Chairperson, Standing Committee on Health, intends to move the following amendments to the Maternal, Newborn and Child Health Bill (Senate Bills No. 17 of 2023), at the Committee Stage—

CLAUSE 6

THAT clause 6 of the Bill be amended in subclause (1) by deleting the word “agencies” appearing immediately after the words “to adoption services” in paragraph (e) and substituting therefor the words “that comply with Part XIV of the Children Act”.

CLAUSE 7

THAT 7 of the Bill be amended in subclause (2) by—

- a) deleting the words “licensed agencies if indicated” appearing immediately after the words “adoption services at” in paragraph (d) and substituting therefor the words “an adoption society registered under section 208 of the Children Act”; and
- b) inserting the following new paragraph immediately after paragraph (f)—
 - (fa) mental health care services from prenatal to twelve months after birth.

CLAUSE 8

THAT clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(2A) Where the child under subsection (1) is an intersex child, the health care provider shall provide the appropriate specialised medical treatment and care to that child.

...../Notice of Amendments

CLAUSE 14

THAT clause 14 of the Bill be amended by inserting the words “and traditional” immediately after the words “programmes for skilled” appearing in paragraph (h).

CLAUSE 15

THAT clause 15 of the Bill be amended—

- a) deleting the words “who serve pregnant women” appearing immediately after the words “health care providers” in paragraph (a); and
- b) by deleting the word “workers” appearing immediately after the words “community health” in paragraph (c) and substituting therefor the word “promoters”.

CLAUSE 17

THAT clause 17 of the Bill be amended in subclause (3) by inserting the words “and published in an accessible format” immediately after the words “easily accessible” appearing in paragraph (a).

CLAUSE 2

THAT clause 2 of the Bill be amended—

- a) in the definition of the term “maternal” by deleting the words “morbidity” means illness” appearing immediately after the words “days after childbirth”;
- b) by deleting the definition of the term “unborn child”; and
- c) by inserting the following new definitions in the proper alphabetical sequence—

“community health promoter” has the meaning assigned to it under section 2 of the Primary Health Care Act; and

“intersex child” means a child with a congenital condition in which the biological sex characteristics cannot be exclusively categorised in the common binary of female or male due to inherent and mixed anatomical patterns, which could be apparent prior to, at birth, or in childhood.

...../Notice of Amendments

(No. 082) **WEDNESDAY, AUGUST 07, 2024 (AFTERNOON SITTING)** (1409)

II. NOTICE is given that (Sen. Hamida Kibwana, MP) intends to move the following amendments to the Maternal, Newborn and Child Health Bill, 2023, Senate Bills No. 17 of 2023, at the Committee Stage—

CLAUSE 8

THAT clause 8 of the Bill be amended by—

- (a) inserting the following new subclause immediately after subclause (2)—
 - (2A) Where the child under subsection (1) has special needs, the health care provider shall ensure that the child receives—
 - (a) health care services, as may be prescribed, that are responsive to the needs of a child with the relevant special needs; and
 - (b) respectful and dignified care.
- (b) deleting subclause (4) and substituting therefor the following new subclause—
 - (4) The Cabinet Secretary shall—
 - (a) prescribe standards for the delivery of the neonatal and child care services to the various categories of children up to the age of twelve years; and
 - (b) prescribe guidelines and standards for the provision of the highest available standards of health services that are responsive to the needs of children with special needs.
- (c) inserting the following new subclause immediately after subclause (5)—
 - (6) For purposes of this Act, a child with special needs includes a child with disability, a child with mental illness and a child in a marginalized area.

CLAUSE 11

THAT clause 11 of the Bill be amended in the introductory clause by inserting the words “physical and mental” immediately after the words “maternal, neonatal and”.

...../Notice of Amendments

CLAUSE 12

THAT clause 12 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (d)—

- (da) ensure that all national referral health facilities that offer maternal healthcare designate resources within the respective facility for provision of physical and mental healthcare to women who have lost children through stillbirth or during delivery;
- (db) facilitate the provision of mental healthcare to maternal women in national referral health facilities.

CLAUSE 14

THAT clause 14 of the Bill be amended by—

- (a) inserting the following new paragraph immediately after paragraph (h)—
 - (ha) put in place measures to facilitate training of health care providers in the provision of physical and mental health care services;
- (b) inserting the following new paragraph immediately after paragraph (i)—
 - (ia) ensure that all county health facilities that offer maternal healthcare designate resources within the respective facilities for the provision of physical and mental healthcare to women who have lost children through stillbirth or during delivery;
 - (ib) put in place measure to facilitate the provision of mental healthcare to maternal women in county health facilities;
- (c) inserting the words “in the provision physical and mental health care services” immediately after the words “in the county” appearing in paragraph (m);

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definitions in the proper alphabetical sequence—

“community health promoter” has the meaning assigned to it under section 2 of the Primary Health Care Act.

...../Notice of Amendments

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 25—

Amendment **26.** Section 226 of the Penal Code is amended by to section renumbering the existing provision as subsection (1) 226 of Cap. and inserting the following new subsection after the 63. renumbered subsection (1)—

(2) Subsection (1) shall not apply to a woman undergoing postpartum care under the Maternal, Newborn and Child Health Act.

III. NOTICE is given that (Sen. (Dr.) Boni Khalwale, MP), intends to move the following amendments to the Maternal, Newborn and Child Health Bill, (Senate Bills No. 17 of 2023), at the Committee Stage—

CLAUSE 6

THAT clause 6 of the Bill be amended in subclause (1) by deleting the words “planning services” appearing after the word “family” in paragraph (a) and substituting therefor the words “health education”.

CLAUSE 9

THAT clause 9 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(2A) The Cabinet Secretary shall put in place mechanisms to ensure that adolescents undergoing postpartum care receive counselling services to encourage them to maintain and care for their children.

CLAUSE 11

THAT clause 11 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (c)—

- (ca) counselling services for pregnant women who intend or are considering not carrying their pregnancies to term;
- (cb) post abortion health care services; and
- (cc) counselling services for adolescents undergoing postpartum care to encourage them to maintain and care for their children.

...../Notice of Amendments

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (b)—

(ba) maternal and neonatal deaths recorded in each county.

CLAUSE 14

THAT clause 14 of the Bill be amended in paragraph (h) by inserting the words “and traditional” immediately after the words “programmes for skilled”;

NEW CLAUSE

THAT the Bill be amended by inserting the following new clauses immediately after clause 25—

Amendme
nt to
section 17
of Cap.
258A.

26. Section 2 of the Social Assistance Act is amended in the definition of the term “social assistance” by inserting the following new paragraph immediately after paragraph (d)—
(da) care and welfare of children;

27. Section 17 care and welfare of children of Social Assistance Act is amended in subsection (3) by inserting the following new paragraph immediately after paragraph (b)—
(ba) poor women caring for their children.

IV. NOTICE is given that (Sen. Andrew Omtatah Okoiti, MP) intends to move the following amendments to the Maternal, Newborn and Child Health Bill (Senate Bills No. 17 of 2023, at the Committee Stage—

CLAUSE 5

THAT clause 5 of the Bill be amended—

(a) in subclause (1) by inserting the following new paragraph immediately after paragraph (a)—

(aa) reasonable and affordable fee, if any, for health services and which does not impede access to health care;

(b) in subclause (3) by—

...../Notice of Amendments

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- (i) inserting the words “including in remote areas and” immediately after the words “child health services” appearing in paragraph (e); and
- (ii) inserting the following new paragraph immediately after paragraph (f)—
 - (fa) train traditional birth attendants and integrate them in the delivery of prenatal, postpartum and neonatal health care.

CLAUSE 6

THAT clause 6 of the Bill be amended in subclause (1) by—

- (a) inserting the words “including hormonal profiling and the provision of prenatal vitamins” immediately after the words “preconception care services” appearing in paragraph (b); and
- (b) inserting the words “as may be prescribed by the Cabinet Secretary” immediately after the words “appropriate counselling services” appearing in paragraph (c).

CLAUSE 7

THAT clause 7 of the Bill be amended in subclause (2)(b) by inserting the words “as may be prescribed by the Cabinet Secretary” immediately after the words “free prenatal care”.

CLAUSE 8

THAT clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (3)—

- (3A) The consent under subsection (3) shall not be required where—
 - (c) there is a documented report of child abuse by the parent or guardian who is required to provide consent;
 - (d) the parent or guardian required to provide consent practises religious or cultural practices that risk the health of the child; or
 - (e) the parent or guardian required to provide consent has been diagnosed with mental incapacity.

...../Notice of Amendments

CLAUSE 9

THAT clause 9 of the Bill be amended by deleting subclause (4).

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (b)—

- (ba) maternal and neonatal deaths recorded in each county with an analysis of root causes and recommended interventions to address the causes.

CLAUSE 14

THAT clause 14 of the Bill be amended—

- (a) in paragraph (h) by inserting the words “and traditional” immediately after the words “programmes for skilled”; and
- (b) by inserting the following new paragraph immediately after paragraph (i)—
 - (ia) ensure that there are sufficient ambulances to provide emergency prenatal, postpartum and neonatal evacuation services within the county.

CLAUSE 15

THAT clause 15 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

- (e) religious organisations.

CLAUSE 17

THAT clause 17 of the Bill be amended in subclause (3)(d) by deleting the words “translated to the local language and disseminated” appearing immediately after the words “where necessary” and substituting therefor the words “be translated to the respective local languages and disseminated to media outlets and”.

CLAUSE 19

THAT clause 19 of the Bill be amended—

- (d) by deleting the marginal note and substituting therefor the following new marginal note—
 - Annual reporting by the county executive committee member.

(e) in subclause (2) by—

- (i) inserting the words “medications and supplements” immediately after the words “of health facilities” appearing in paragraph (b);
- (ii) deleting paragraph (c) and substituting therefor the following new paragraph (c)—
 - (c) the number of health care providers in respective health facilities within the county and measures taken to enhance their number;
- (iii) inserting the following new paragraph immediately after paragraph (c)—
 - (ca) maternal and neonatal deaths recorded in each county facility with an analysis of root causes and recommended interventions to address the causes;

(f) by inserting the following new subclause immediately after subclause (5)—

(6) The county executive member shall submit the report under subsection (1) to the Cabinet Secretary within three months of the close of every financial year.

CLAUSE 21

THAT clause 21 of the Bill be amended in subclause (2) by—

- (a) deleting the word “periodic” appearing at the beginning of paragraph (a) and substituting therefor the words “a quarterly”;
- (b) deleting the words “regularly undertake” appearing at the beginning of paragraph (b) and substituting therefor the word “quarterly”; and
- (c) deleting the words “regularly collect and analyse” appearing at the beginning of paragraph (c) and substituting therefor the words “in each quarter, the collection and analysis of”;
- (d) deleting the word “undertake” appearing at the beginning of paragraph (d); and
- (e) deleting the word “identify” appearing at the beginning of paragraph (e) and substituting therefor the words “the identification of”.

...../Notice of Amendments

CLAUSE 25

THAT clause 25 of the Bill be amended in subclause (2) by—

- (a) inserting the words “and neonatal” immediately after the words “reporting of maternal” appearing in paragraph (b); and
- (b) inserting the following new paragraphs immediately after paragraph (e)—
 - (ea) prenatal health services;
 - (eb) prenatal, postpartum and neonatal counselling health services;
 - (ec) prenatal, postpartum and neonatal check-ups and follow-ups; and
 - (ed) referral of persons in prenatal, postpartum and neonatal care to referral health facilities.

CLAUSE 2

THAT clause 2 of the Bill be amended in the definition of the word “person with special needs” by—

- (a) inserting the words “and financial” immediately after the words “medical, mental, psychological”; and
- (b) inserting the words “registered refugees and internally displaced persons” immediately after the words “a marginalised area”.

...../Notice of Amendments

(No. 082) **WEDNESDAY, AUGUST 07, 2024 (AFTERNOON SITTING)** (1417)

D. **THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**
(The Senate Majority Leader)

NOTICE is given that the Chairperson, Standing Committee on Land, Environment and Natural Resources, intends to move the following amendments to the Meteorology Bill, 2023 (Senate Bills No. 45 of 2023), at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended by numbering the introductory paragraph as sub clause (1) and inserting the following new subclause immediately after the proposed subclause (1):

(2) For purposes of this section—

“commercial purposes” means the use of meteorological information acquired from the Authority for the purpose of generating income;

CLAUSE 7

THAT clause 7 of the Bill be amended in subclause (2) by deleting paragraph (j) and substituting therefor the following new paragraph —

(j) set standards, develop curricula, provide training in meteorology, operational hydrology and related sciences, examine and award diploma and certification in line with the World Meteorological Organization and other standards.

CLAUSE 36

THAT clause 36 of the Bill be amended in subclause (1) by deleting the words “any person” appearing immediately after the words “designate and appoint” and substituting therefor the words “an employee of the authority”.

CLAUSE 37

THAT clause 37 of the Bill be amended by deleting—

(a) subclause (1) and substituting therefor the following new subclause —

(1) The Authority shall retain the intellectual property rights on any meteorology data and advisory services, computer programs, inventions, discoveries and improvements generated by the Authority.

...../Notice of Amendments

(b) subclause (2) and substituting therefor the following new subclause —

(2) A person who obtains any meteorological data, information and other meteorological services from the Authority as a private good shall not, without the consent of the Authority, provide the same to a third party or cause it to be distributed.

CLAUSE 40

THAT clause 40 of the Bill be amended in subclause (2) by deleting paragraph (g).

SECOND SCHEDULE

THAT the Second Schedule of the Bill be amended by inserting the following new paragraph immediately after paragraph (5)—

(5A) The provision of meteorological services and information to the general public upon request.

NEW CLAUSES

That the Bill be amended by inserting the following new clauses immediately after clause 8—

Regulatory powers of Authority. **8A.** (1) The Authority shall regulate meteorological services in Kenya.
(2) Without prejudice to the generality of subsection (1) the Authority shall—
(a) ensure compliance with—
(i) international standards and practices in meteorological services; and
(ii) standards in installation and maintenance of meteorological instruments;
(b) approve and register meteorological stations; and
(c) monitor and supervise functions of meteorological operators.

Permit. **8B.** Any person who intends to undertake meteorological observations, weather forecasting activities or weather modification activities shall apply to the Authority for a permit as provided in the Regulations.

...../Notice of Amendments

(No. 082) WEDNESDAY, AUGUST 07, 2024 (AFTERNOON SITTING) (1419)

Prohibition of meteorological activities.

8C. (1) No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority.

(2) A person who engages in any meteorological observations, weather forecasting activities or weather modification activities without a permit commits an offence and shall be liable upon conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or both such fine and imprisonment.

...../Notice of Amendments

(No. 082) WEDNESDAY, AUGUST 07, 2024 (AFTERNOON SITTING) (1420)

E. *THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL**
(NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)

(The Senate Majority Leader)

NOTICE is hereby given that the Chairperson, Standing Committee on Roads, Housing and Transportation, intends to move the following amendment to the National Construction Authority (Amendment) Bill (National Assembly Bills No. 59 of 2022) at the Committee Stage –

NEW CLAUSE 1A

Amendment
of section 2
of Cap. 18.

THAT the National Construction Authority Act be amended in Section 2 by inserting the following new definition immediately after the definition “Registrar” –
“start up” means an entity seeking to be registered under section 17 in the category NCA 6, NCA 7 or NCA 8;

...../Notice of Amendments

(No. 082) WEDNESDAY, AUGUST 07, 2024 (AFTERNOON SITTING) (1421)

F. *THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**

(Sen. Samson Cherarkey, MP – Co- Sponsor)

NOTICE is given that the Chairperson, Standing Committee on Health, intends to move the following amendment to the Cancer Prevention and Control (Amendment) (No. 2) Bill (National Assembly Bills No. 45 of 2022), at the Committee Stage—

CLAUSE 2

THAT clause 2 of the Bill be amended in the proposed new definition of the word “e-health” by inserting the words “including telemedicine” immediately after the words “and information technology”.

...../Notice of Amendments

G. *THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(SENATE BILLS NO. 40 OF 2023)
(Sen. Hamida Ali Kibwana, MP)

NOTICE is given that the Chairperson, Standing Committee on Finance and Budget, intends to move the following amendments to the Public Finance Management (Amendment) Bill (Senate Bills No. 40 of 2023), at the Committee Stage-

CLAUSE 2

THAT the Bill be amended by deleting clause 2 and substituting therefore the following new clause-

Insertion of new sections in section 160 —
Cap. 412A

2. The principal Act is amended by inserting the following new sections immediately after sections in section 160 —

Establishment of Revenue Collection System Committee which shall consist of-

160A. (1) There is establishment of Revenue Collection System Committee which shall consist of-

- e.
 - (a) the Cabinet Secretary or a person designated in writing;
 - (b) the Principal Secretary matters related to Devolution
 - (c) the Controller of Budget person designated in writing
 - (d) the Commissioner General of Kenya Revenue Authority person designated in writing;
 - (e) two persons nominated by Council of Governors.

(2) The Committee shall, within nine months of the coming into force of this Act, design, develop and coordinate an integrated county revenue system which shall—

...../Notice of Amendments

Commented [LM1]: This and the subsequent provisions need to be abt complete in the usual form and do the same for the subsequent paragraphs

Commented [LM2]: Can they designate someone as well or is the intention that they appear in person?

Commented [LM3]: Do we have a criteria for who these two persons will be in terms of knowledge and qualification? It would be important to set these out here

Commented [LM4]: Now, this one is sort of transitional so it might be better to just impose the obligation here then have a separate clause at the Bill of the Bill that provides for this transitional provision

- (a) be transparent, efficient, effective and verifiable;
- (b) ensure data accuracy and protection;
- (c) respect and promote the distinctiveness of the national and county governments;
- (d) be adequately secure to prevent any fraud, losses or leakages; and
- (e) provide for separate accounting and reporting

(3) Within three months of the development of the system under subsection (3), each county government shall adopt and implement the integrated county revenue management system

Reports. **160B.** (1) A county treasury shall prepare and submit a quarterly report on the status of the adoption and implementation of the integrated county revenue management system.

(2) A report under subsection (1) shall be submitted to the respective county assembly, the Senate and the Controller of Budget.

CLAUSE 3

THAT clause 3 of the Bill be amended in the proposed new section 191F(1) by inserting the words “in consultation with the respective county executive committee member” immediately after the words “Cabinet Secretary shall”.

APPENDIX

1. PAPERS

- i) The Auditor General's Summary Report on County Governments for the Financial Year 2022/2023.

(The Senate Majority Leader)

- ii) Report of the Standing Committee on National Security, Defence and Foreign Relations on a Petition to the Senate by Mr. Samuel Esapar on behalf of residents of Turkana County, concerning the state of insecurity in Turkana County.

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

- iii) Report of the Standing Committee on Land, Environment and Natural Resources on its consideration of the Wildlife Conservation and Management (Amendments) Bill (Senate Bills No. 46 of 2023).

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

2. NOTICES OF MOTION

- i) **REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS ON A PETITION TO THE SENATE BY MR. SAMUEL ESAPAR ON BEHALF OF RESIDENTS OF TURKANA COUNTY, CONCERNING THE STATE OF INSECURITY IN TURKANA COUNTY.**

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

THAT, the Senate adopts the Report of the Standing Committee on National Security, Defence and Foreign Relations on a Petition to the Senate by Mr. Samuel Esapar on behalf of residents of Turkana County, concerning the state of insecurity in Turkana County, laid on the Table of the Senate on Wednesday, 7th August, 2024.

- ii) **ALLOCATION OF SCHOLARSHIPS AND BURSARIES BY COUNTY GOVERNMENTS**

(Sen. (Prof.) Margaret Kamar, MP)

THAT AWARE THAT, the Fourth Schedule to the Constitution distributes functions and powers between the National and County Governments with paragraph 16 of part 1 of the Fourth

...../Appendix

Schedule providing that the National Government shall be responsible for university and tertiary education institutions, other institutions of research and higher learning and primary schools, secondary schools and special education institutions;

FURTHER AWARE THAT, paragraph 9 of part 2 of the Fourth Schedule to the Constitution confers to County Governments the responsibility to provide pre-primary education and other facilities such as village polytechnics, homecraft centres and childcare facilities;

CONCERNED THAT notwithstanding the provisions of the aforementioned Schedule of the Constitution, the quality of pre-primary education remains low as a result of poor infrastructure with majority of the counties paying teachers in such facilities below the gazetted minimum wage;

FURTHER CONCERNED THAT, the Report by the Office of the Controller of Budget on County Governments Budget Implementation Review for the first six months of Financial Year (FY) 2023/24 indicate that allocation to the Education Sector in all the forty-seven (47) counties range between 0.7% to 10.3% of their total budgets, and that a majority of the county governments spend a great percentage of the education sector budgets on provision of scholarships and bursaries to students in secondary and tertiary institutions, with some counties allocating up to 84% of their education budgets for such scholarships at the expense of the core mandate of providing quality preprimary education and improving infrastructure in the village polytechnics and homecraft centres;

NOW THEREFORE, THE SENATE RESOLVES THAT -

- 1) the County Governments stop funding National Government functions such as providing scholarships to students in secondary and tertiary institutions, and increase funding to pre-primary education, village polytechnics and homecraft centres for improvement of infrastructure and payment of better wages to teachers in such facilities;
- 2) the Controller of Budget ensures compliance and not approve monies to County Governments for carrying out functions of the National Government; and
- 3) the Auditor General reports on compliance status on funding of National Government functions by the County Governments in the annual reports.

...../Appendix

3. QUESTIONS AND STATEMENTS

a) Statements pursuant to Standing Order 52 (1)

Nominated Senator (Sen. Karen Nyamu, MP) to make a Statement concerning the incessant Toi Market fire incidences.

b) Request for Statements pursuant to Standing Order 53(1)

- i) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a Statement from the Standing Committee on Finance and Budget concerning pending bills owed to contractors by the County Government of Bungoma from the year 2013 to date.
- ii) The Senator for Trans Nzoia County (Sen. Allan Chesang, MP) to seek a Statement from the Standing Committee on Finance and Budget concerning anomalies in the payroll for the County Executive of Trans Nzoia County Government.
- iii) The Senator for Trans Nzoia County (Sen. Allan Chesang, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding payments made by the County Executive of Trans Nzoia for settlement of court judgements and decrees.

NOTICE PAPER

Tentative Business for Thursday, August 08, 2024

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Thursday, August 08, 2024.

A. BILLS AT THE SECOND READING STAGE

- i) ***THE NATIONAL DISASTER MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)
(The Senate Majority Leader)
- ii) * THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2024)
(Sen. Crystal Asige, MP)
- iii) * THE PROVISION OF SANITARY TOWELS BILL (SENATE BILLS NO. 7 OF 2024)
(Sen. Gloria Orwoba, MP)
- iv) *THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILLS NO. 20 OF 2024)
(Sen. Karungo Thangwa, MP and Sen. Godfrey Osotsi, MP)
- v) ****THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 26 OF 2024)
(The Senate Majority Leader and the Senate Minority Leader)
- vi) ****THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 28 OF 2024)
(The Senate Majority Leader and the Senate Minority Leader)
- vii) **** THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 29 OF 2024)
(The Senate Majority Leader and the Senate Minority Leader)

B. MOTIONS

- i) ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA
(Sen. Johnes Mwaruma, MP)
- ii) COUNTY GOVERNMENTS TO SET ASIDE LAND FOR THE PLANTING OF INDIGENOUS TREES
(Sen. Richard Onyonka, MP)

...../Notice Paper

(No. 082) WEDNESDAY, AUGUST 07, 2024 (AFTERNOON SITTING) (1428)

iii) MOTION – ADJOURNMENT OF THE SENATE
(The Senate Majority Leader)
