



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
WEDNESDAY, JULY 13, 2016 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (As listed in the Appendix)
6. Notices of Motion (As listed in the Appendix)
7. Statements (As listed in the Appendix)
8. **MOTION** – (The Senate Majority Leader)

THAT, pursuant to Standing Order 30(3)(b), the Senate resolves to meet on Thursday, 14th July, 2016 from 9.30 a.m to 12.30 p.m.

9. ***THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL (SENATE BILL NO. 2 OF 2016)**
(Sen. (Prof). Wilfred Lesan)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 29th June, 2016)
(Division)

10. *****THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)**
(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 6th July, 2016)
(Division)

11. *****THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)**
(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 6th July, 2016)
(Division)

...../Bill

12. ***THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)**
(Sen. Paul Kimani Wamatangi)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 12th July, 2016)
(Division)
13. **COMMITTEE OF THE WHOLE**
*****THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**
(The Senate Majority Leader)
(Resumption of Debate interrupted on Tuesday, 28th June, 2016)
(Division)
(Subject to Constitutional timeline of 27th August, 2016)
14. **COMMITTEE OF THE WHOLE**
****THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL, (SENATE BILL NO.3 OF 2015)**
(The Chairman, Standing Committee on Health)
(Resumption of Debate interrupted on Tuesday, 28th June, 2016)
(Division)
15. **COMMITTEE OF THE WHOLE**
***THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 14 OF 2015)**
(Sen. Christopher Obure)
(Resumption of Debate interrupted on Wednesday, 29th June, 2016)
(Division)
16. **COMMITTEE OF THE WHOLE**
*****THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2014)**
(The Senate Majority Leader)
(Resumption of Debate interrupted on Thursday, 30th June, 2016)
(Division)
17. **COMMITTEE OF THE WHOLE**
*****THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**
(The Senate Majority Leader)
(Subject to Constitutional timeline of 27th August, 2016)
18. **COMMITTEE OF THE WHOLE**
*****THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2015)**
(The Senate Majority Leader)
(Subject to Constitutional timeline of 27th August, 2016)
19. **COMMITTEE OF THE WHOLE**
*****THE PROTECTION OF TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)**
(The Senate Majority Leader)
(Subject to Constitutional timeline of 27th August, 2016)

20. COMMITTEE OF THE WHOLE*****THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**

(The Senate Majority Leader)

*(Subject to Constitutional timeline of 27th August, 2016)*21. COMMITTEE OF THE WHOLE*****THE ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2015)**

(The Senate Majority Leader)

*(Subject to Constitutional timeline of 27th August, 2016)*22. COMMITTEE OF THE WHOLE*****THE PETROLEUM (EXPLORATION, DEVELOPMENT, AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)**

(The Senate Majority Leader)

*(Subject to Constitutional timeline of 27th August, 2016)*23. COMMITTEE OF THE WHOLE*****THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**

(The Senate Majority Leader)

*(Subject to Constitutional timeline of 27th August, 2016)*24. ***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 21 OF 2015)**

(Sen. (Prof.) John Lonyangapuo)

*(Second Reading)*25. ***THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)**

(Sen. Martha Wangari)

*(Second Reading)*26. MOTION – (Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Homa-Bay County Executive for the Financial year 2013/2014 laid on the Table of the House on Wednesday, 4th November, 2015.

(Resumption of Debate interrupted on Thursday, 28th April, 2016)

27. MOTION–(Sen. Joy Gwendo)

THAT, the Senate notes the Report of the Commonwealth Women Parliamentarians Regional Capacity Building Workshop held in Dar Es Salaam, Tanzania on 20th – 23rd January, 2016 laid on the Table of the House on Thursday, March 17, 2016.

(Resumption of Debate interrupted on Thursday, 30th June, 2016)

28. **MOTION**-(Sen. George Khaniri)
(Ministry of Education, Science and Technology)

WHEREAS Article 43(1)(f) and 53(1)(b) of the Constitution guarantees every citizen a right to education and every child a right to free and compulsory basic education, respectively;

NOTING that the Teachers Service Commission is mandated to handle employment, deployment, remuneration and discipline of teachers in public schools in Kenya;

CONCERNED that there are great disparities in the distribution of teachers in public schools across the country leading to oversupply in some schools and undersupply in others and ultimately leading to major teacher shortage especially in rural and marginalized areas;

APPRECIATING efforts made by the national government to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

FURTHER CONCERNED that the statistics on the number and distribution of teachers in public schools is not readily available;

NOW THEREFORE, the Senate directs the Ministry of Education, Science and Technology to conduct a countrywide audit on the distribution of teachers in all public schools indicating the requisite establishment per school and the corresponding number of teachers who are in-post and further that the Ministry submits a report to the House on the matter within ninety (90) days.

NOTICE

The Senate resolved on 10th February, 2016 as follows:-

THAT, pursuant to Standing Order 100 (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 NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**
(The Senate Majority Leader)

- a) **NOTICE** is given that Sen. Lenny Kivuti, the Chairperson of the Standing Committee on Lands and Natural Resources, intends to move the following amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015, at the Committee Stage-

SCHEDULE

That the Schedule be amended by -

- (a) deleting the tenth row that provides for "Genetic material"; and
- (b) deleting the eleventh row that provides for "Genetic Resources".

- b) **NOTICE** is given that Sen. Mutula Kilonzo Junior, intends to move the following amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015, at the Committee Stage-

SCHEDULE

- a) Deleting the tenth row that provides for "Genetic material"; and
 - b) Deleting the eleventh row that provides for "Genetic resources".
- c) **NOTICE** is given that Sen. Godana Hargura, intends to move the following amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015, at the Committee Stage-

SCHEDULE

THAT the Schedule be amended by inserting the following new rows immediately after the eleventh row-

<i>Resource</i>	<i>Transaction requiring Parliament Ratification</i>
Solar energy	Solar power generation of more than fifty megawatts.
Wind power	Wind power generation of more than fifty megawatts.

- d) **NOTICE** is given that Sen. David Musila, intends to move the following amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015, at the Committee Stage-

NEW CLAUSE 9A

THAT the Bill be amended by inserting the following new clause immediately after clause 9 —

- Procedure for approval by Parliament.
- 9A.** (1) The process of approval of an agreement shall commence in the National Assembly.
- (2) The National Assembly shall consider an agreement within sixty days of its submission to the National Assembly and shall forward its resolution to the Senate for consideration.
- (3) If both Houses —
- (a) approve the ratification of an agreement; or
 - (b) do not approve the ratification of an agreement;
- the Speaker of the National Assembly shall, within seven days of the decision, notify the relevant Cabinet Secretary.
- (4) Where either the National Assembly or the Senate votes to reject an agreement, the agreement shall be deemed to have been rejected by Parliament and the Speaker of the National Assembly shall, within seven days of the rejection, notify the relevant Cabinet Secretary.
- (5) If within sixty days of submission of an agreement to the National Assembly, the National Assembly has not forwarded its resolution on the agreement to the Senate under subsection (2), the National Assembly shall be deemed to have approved the agreement and the Senate shall commence its consideration of the agreement.
- (6) Where the Senate considers an agreement under subsection (5), the Speaker of the Senate shall, within seven days of the decision, notify the relevant Cabinet Secretary.

B. **THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO.3 OF 2015)

(The Chairperson, Standing Committee on Health)

NOTICE is given that the Chairperson to the Standing Committee on Health, intends to move the following amendments to the Cancer Prevention and Control (Amendment) Bill, 2015 at the Committee Stage-

CLAUSE 3

THAT clause 3 of the Bill be amended in the proposed new section 12(B) by—

(a) deleting subsection (1) and substituting therefor the following new subsection—

- (1) The persons appointed under section 12A(2)(a) and (d) shall be competitively recruited by the county public service board and appointed by the county governor by notice in the *county gazette* for a term of three years, renewable for one further term of three years.

(b) inserting the following new subsections immediately after the proposed new subsection (1)—

(1A) A person qualifies for appointment under section 12A(2)(a) if such person is a trained health professional with knowledge and at least five years experience in matters relating to cancer prevention and control.

(1B) A person qualifies for appointment under section 12A(2)(c) and (d) if such person holds a certificate of secondary education and has knowledge and at least one year experience in matters relating to cancer prevention and control.

C. **THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) (NO. 2)
BILL (SENATE BILL NO. 14 OF 2015)
(Sen. Christopher Obure)

NOTICE is given that Senator Christopher Obure, intends to move the following amendments to the Kenya National Examinations Council (Amendment) (No.2) Bill, 2015, at the Committee Stage-

Clause 3

THAT clause 3 of the Bill be amended by inserting the following new definition immediately before the definition of the term "Technical and Vocational Education and Training Authority"-

No. 14 of 2013. "County Director of Education" means a Director appointed under section 52 of the Basic Education Act.

Clause 4

THAT clause 4 of the Bill be amended

(a) in subsection 2 of the proposed new section 40A by-

(i) deleting the words "one person" appearing immediately before the words nominated jointly by the associations" and substituting therefor the words "two persons" in paragraph (b);

(ii) inserting the following new paragraph immediately after paragraph (b)-

(ba) one person having at least ten years' experience in marking examinations;

(iii) deleting paragraph (c);

(iv) deleting paragraph (d);

(b) deleting subsection (3) of the proposed new section 40A;

(c) by inserting the following new subsection immediately after subsection (5) in the proposed new section 40A-

(5A) A person shall not be eligible for appointment under section (5) if at the time of appointment the person is an employee of the Council or was the employee of the council five years before the date of appointment.

(d) in the proposed new section 40I-

(i) by inserting the following new subsections immediately after subsection (1)-

(1A) notwithstanding the provisions of subsection (1), an application made under subsection (1) may be made to the Tribunal through the County Director of Education in the county in which the applicant is resident.

(1B) The County Director shall transmit the Tribunal applications received pursuant to subsection (1A) within five days of receipt.

(e) by deleting the proposed new section 40O and substituting therefor the following new section-

Rules and procedures of the Tribunal. 40O. (1) The Tribunal shall make rules, within ninety days of the coming into effect of this Act, for regulating the practice and procedure for the Tribunal.

(2) Notwithstanding the provisions of subsection (1), the Rules regulating the practice and procedure of the Tribunal shall not provide for the payment of any fees by any of the parties to an appeal under this Part.

D. *THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2014)**
(The Senate Majority Leader)

NOTICE is hereby given that the Chairperson of the Committee on Agriculture, Livestock and Fisheries, intends to move the following amendments to the Fisheries Management and Development Bill, (National Assembly Bill No. 18 of 2014) at the Committee Stage-

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (1) by deleting the words "and the Director of the Service" appearing immediately after the words "the Director-General" in paragraph (g).

CLAUSE 33

THAT clause 33 of the Bill be amended in subclause (2) by inserting the words "collaborate with the Director-General in the management of fisheries and shall, for this purpose" immediately after the words "each county shall".

...../Notices of Amendments

CLAUSE 35

THAT clause 35 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph –

- (b) take into account any recommendations that may be made by the Director-General with respect to the plan.

CLAUSE 36

THAT clause 36 of the Bill be amended by –

- (a) deleting subclause (3);
- (b) deleting subclause (4).

CLAUSE 37

THAT clause 37 of the Bill be amended –

- (a) in subclause (1) by deleting the words “governing the administration of beach management units” appearing immediately after the words “make regulations” and substituting therefor the words “setting out standards for the management of beach management units established by the county governments”.
- (b) in subclause (2) by –
 - (i) deleting paragraph (b) and substituting therefor the following new paragraph –
 - (b) minimum standards in the general administration of the beach management units;
 - (ii) deleting paragraph (c);
 - (iii) deleting paragraph (d) and substituting therefor the following new paragraph –
 - (d) standards to be adhered to by beach management units in imposing levies and charges and the management and utilization of such funds;
 - (iv) deleting paragraph (e) and substituting therefor the following new paragraph –
 - (e) such other standards which the Cabinet Secretary may consider necessary for the effective administration and management of the beach management unit;

CLAUSE 39

THAT clause 39 of the Bill be amended –

- (a) in the introductory clause of subclause (1) by inserting the words “in consultation with the Council of Governors and” immediately after the words “the Board may”; and
- (b) in the introductory clause of subclause (2) by inserting the words “in consultation with the relevant county governments” immediately after the words “Director-General shall”.

CLAUSE 84

THAT clause 84 of the Bill be amended –

- (a) in subclause (1) by –
 - (i) deleting paragraph (d);
 - (ii) deleting paragraph (e).
- (b) by inserting the following new subclause immediately after subclause (1) –
 - (1A) The respective county governments shall be responsible for issuing licences with respect to –
 - (a) using any vessel for recreational fishing in the Kenya fishery waters; and
 - (b) operating a fish processing establishment within the respective county.
 - (1B) The Cabinet Secretary shall prescribe the standards for the registration of vessels and grant, renewal and revocation of licences by a county government under subclause (1A).
 - (1C) Each County Government may enact county specific legislation setting out the –
 - (a) criteria for the registration of a vessel and issuance of a licence to an applicant for a licence under subsection (1A);
 - (b) information required to be submitted by an applicant for registration or issuance of a licence;
 - (c) process of determination of an application;
 - (d) conditions for the issuance or renewal of a licence under this Act;
 - (e) grounds for the rejection of an application or cancellation of a licence issued under this Act;

- (f) process of application for the renewal of licences, de-registration of a vessel and revocation of a licence issued to an applicant by the county government; and
- (g) appointment of inspectors or such other authorised officers to carry out such inspections as the county executive committee member responsible for fisheries may consider necessary for the implementation of this Act.

CLAUSE 85

THAT clause 85 of the Bill be amended in subclause (1) by inserting the words “to the respective county government” immediately after the words “shall require to apply”.

CLAUSE 87

THAT clause 87 of the Bill be amended in subclause (4) by inserting the words “county executive committee member responsible for fisheries in the respective county in consultation with” immediately after the words “effect unless the”.

CLAUSE 104

THAT clause 104 of the Bill be amended in subclause (2) by deleting the words “Cabinet Secretary” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”.

CLAUSE 112

THAT clause 112 of the Bill be amended –

- (a) in subclause (1) by –
 - (i) inserting the words “respective county executive committee member responsible for fisheries may, in consultation with” immediately after the words “quantity as the” in paragraph (a);
 - (ii) deleting the words “Director-General” appearing immediately after the words “notified to the” in paragraph (c) and substituting therefor the words “respective county executive committee member responsible for fisheries”
- (b) in subclause (2) by deleting the word “authorized officer or inspector” appearing immediately after the words “request of an” and substituting therefor the words “officer or inspector authorized to carry out an inspection by the county executive committee member responsible for fisheries”.

CLAUSE 114

THAT clause 114 of the Bill be amended in –

- (a) subclause (1) by inserting the words “or the county executive committee member responsible for fisheries, as the case may be” immediately after the words “the Director-General”;

- (b) subclause (4) by inserting the words "or the county executive committee member responsible for fisheries, as the case may be" immediately after the words "the Director-General";

CLAUSE 200

THAT clause 200 of the Bill be amended by deleting paragraph (f).

CLAUSE 201

THAT clause 201 of the Bill be amended –

- (a) by inserting the following new paragraph immediately after paragraph (e) –
- (ea) one person, who has knowledge and experience in matters relating to fisheries, nominated by the Council of Governors;
- (b) in paragraph (h) by –
- (i) deleting the word "five" appearing at the beginning of the introductory clause and substituting therefor the word "four";
- (iii) deleting the word "three" appearing at the beginning of subparagraph (ii) and substituting therefor the word "two".

E. *THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**
(The Senate Majority Leader)

NOTICE is given that Sen. Lenny Kivuti, the Chairperson to the Standing Committee on Lands and Natural Resources, intends to move the following amendments to the Forest Conservation and Management Bill, 2015, at the Committee Stage-

CLAUSE 5

THAT clause 5 be amended-

- (a) by deleting the marginal note and substituting therefor the following new marginal note-
- Public Forest Policy
- (b) in sub-clause (1) by inserting the words "county government and" appearing immediately after the words "in consultation with the"; and
- (c) in sub-clause (2) by inserting the words "in consultation with the county government" immediately after the words "forest policy to be reviewed".
- (d) in sub-clause (2) by deleting the word "national" appearing immediately after the words "the Cabinet Secretary shall cause".

CLAUSE 6

THAT clause 6 be amended-

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

...../Notices of Amendments

Public Forest Strategy

- (b) in sub-clause (1) by deleting the word “national” appearing immediately after the words “formulate a” and substituting therefor the word “public”.

CLAUSE 8

THAT clause 8 of the Bill be amended in paragraph (f) by deleting the word “national” appearing immediately after the words “ceremonial use of” and substituting therefor the word “public”.

CLAUSE 9

THAT clause 9 (1) of the Bill be amended-

- (a) in paragraph (f) by deleting the words “Director-General” appearing at the beginning of the paragraph and substituting therefor the words “Chief Conservator of Forests”;
- (b) by deleting sub-paragraph (iv) of paragraph (g) and substituting therefor the following new paragraph “one person nominated by the Council of Governors”; and
- (c) by inserting the following new sub-clause immediately after sub-clause (3)-
 - (3A) A person shall not be appointed to the Board if the person—
 - (a) is convicted of a criminal offence and sentenced to imprisonment by a court of competent jurisdiction for a period exceeding six months without the option of a fine;
 - (b) is a member of a governing body of a political party;
 - (c) is disqualified under any written law to hold office of director in a public company, corporation or similar organization;
 - (d) has previously been removed from public office for contravention of the provisions of the Constitution or any other written law;
 - (e) is adjudged bankrupt or enters into a composition or arrangement with his creditors;
 - (f) was previously involved in the management or administration of a scheme which was deregistered for any failure on the part of the management or the administration thereof;
 - (g) is disqualified under any other written law, or his holding office as such is deemed by the Authority as being, in any way, detrimental to the scheme; and
 - (h) is disqualified under Chapters Six and Thirteen of the Constitution or any other provisions thereof or any written law.

CLAUSE 14

THAT clause 14 of the Bill be amended in-

- (a) sub-clause (1) by deleting the words "Director-General" appearing immediately after the words "shall be a" and substituting therefor the words "Chief Conservator of Forests";
- (b) sub-clause (3) by deleting the words "Director-General" appearing at the beginning of the sub-clause and substituting therefor the words "Chief Conservator of Forests".
- (c) sub-clause (4) by deleting the words "Director-General" appearing at the beginning of the sub-clause and substituting therefor the words "Chief Conservator of Forests".
- (d) sub-clause (5) by deleting the words "Director-General" appearing at the beginning of the sub-clause and substituting therefor the words "Chief Conservator of Forests".

CLAUSE 20

THAT clause 20 of the Bill be amended in sub-clause (4) paragraph (a) by deleting the words "a chairman" and substituting therefor the words "a chairperson".

CLAUSE 25

THAT clause 25(2) of the Bill be amended in paragraph (c) by deleting the word "national" appearing immediately after the words "tourism in" and substituting therefor the word "public".

CLAUSE 26

THAT clause 26 of the Bill be amended at subsection (2) by deleting the words "controller and" appearing immediately after the words "Board shall submit to the".

CLAUSE 36

THAT clause 36 of the Bill be amended at sub-clause (2) by deleting the word "national" appearing immediately after the words "declared a" and substituting therefor the word "public".

CLAUSE 39

THAT clause 39 of the Bill be amended at sub-clause (7) by deleting the word "Director-General" appearing immediately after the words "reserve, the" and substituting therefor the words "Chief Conservator of Forests".

CLAUSE 43

THAT clause 43 the Bill be amended by inserting the following new sub-clause immediately after sub-clause (5)-

- (6) The Service shall consider the interests of the local communities in the management of public forests.

CLAUSE 45

THAT clause 45 of the Bill be amended-

(a) by deleting sub-clause (1) and substituting therefore the sub-clause-

(1) The Service may advertise, receive applications from any person, institution or organization and through a competitive process, approve and enter into an appropriate management agreement for all or part of a public forest.

(b) in sub-clause 2 by inserting the following new paragraph immediately after paragraph (e)-

(e) the benefits which the applicant shall extend to the local community.

CLAUSE 47

THAT sub-clause (6) of clause 47 of the Bill be amended by deleting the word "Director-General" where it appears and substituting therefor the word "Chief Conservator of Forests".

CLAUSE 48

THAT clause 48(3) of the Bill be amended in paragraph (f) by deleting the words "Director-General" and substituting therefor the words "Chief Conservator of Forests".

CLAUSE 49

THAT clause 49 (3) be amended in paragraph (b) by deleting the words "Director-General" and substituting therefor the words "Chief Conservator of Forests".

CLAUSE 50

THAT clause 50 (2) of the Bill be amended by deleting the words "Director-General" appearing at the beginning of the sub-clause and substituting therefor the words "Chief Conservator of Forests".

CLAUSE 51

THAT clause 51 of the Bill be amended-

(a) in sub-clause (1) by-

(i) deleting the words "Director-General" appearing at the beginning of the sub-clause and substituting therefor the words "Chief Conservator of Forests";

(ii) deleting the word "Director-General" appearing immediately after the words "ask the" in paragraph (c) and substituting therefor the word "Chief Conservator of Forests";

(b) in sub-clause (2) by deleting the words "Director-General" wherever they appear and substituting therefor the words "Chief Conservator of Forests";

(c) in sub-clause (3) by deleting the words "Director-General" wherever they appear and substituting therefor the words "Chief Conservator of Forests".

...../Notices of Amendments

CLAUSE 53

THAT clause 53 of the Bill be amended by inserting the word "employment" immediately after the word "education".

CLAUSE 62

THAT clause 62 of the Bill be amended in-

- (a) sub-clause (1) by deleting the words "Director-General" at the beginning of the sub-clause and substituting therefor the words "Chief Conservator of Forests";
- (b) sub-clause (2) by deleting the word "Director-General" at the beginning of the sub-clause and substituting therefor the word "Chief Conservator of Forests".

CLAUSE 63

THAT clause 63 of the Bill be amended in sub-clause (2) by deleting the words "Director-General" appearing at the beginning of the sub-clause and substituting therefor the words "Chief Conservator of Forests".

CLAUSE 64

THAT clause 64 of the Bill be amended in sub-section (3) by deleting the words "section 39(2)" appearing immediately before the words "provisions of" and substituting therefor the words "section 61".

CLAUSE 72

THAT clause 72 of the Bill be amended-

- (a) in sub-clause (1) by-
 - (i) deleting the words "Director-General" appearing immediately after the word "the" and substituting therefor the words "Chief Conservator of Forests";
 - (ii) deleting paragraph (b) and substituting therefor the following new paragraph-
(b) public forests;
- (b) inserting the following new sub-clause immediately after sub-clause (1)-
 - (1A) The relevant counties will at all times be furnished with pertinent copies of all the relevant documents maintained in the Chief Conservator of Forests register.
- (c) in sub-clause (2) by deleting the words "Director-General" appearing immediately after the words "office of the" and substituting therefor the word "Chief Conservator of Forests".

CLAUSE 75

THAT clause 75 be amended by deleting the words "Environmental Management and Co-ordination Act, 1999" appearing in sub-clause (1) immediately after the words "provisions of the" and substituting therefor the words "Environmental Management and Co-ordination Act, 2015".

CLAUSE 77

THAT clause 77 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)-

- (aa) The land in section (a) shall not include government settlement schemes already registered before the commencement of this Act;

...../Notices of Amendments

THIRD SCHEDULE

THAT the Third Schedule to the Bill be amended by-

- (a) deleting item 5;
- (b) deleting item 9;
- (c) deleting item 131;
- (d) deleting item 106;
- (e) deleting item 107;
- (f) deleting item 115;
- (g) deleting item 119;
- (h) deleting item 200;
- (i) deleting item 236;
- (j) deleting item 292;
- (k) deleting item 278;
- (l) deleting item 282;
- (m) deleting item 286; and
- (n) deleting item 290

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the definition of the word “forest owner” and substituting therefore the new definition-
“forest owner” means-

- (a) in the case of a public forest, the government as defined in article 62(1)(g) of the Constitution;
- (b) in the case of a community forest, the community as defined in article 63 of the Constitution; and
- (c) in the case of a private forest, the registered owner of the land as defined in article 64 of the Constitution.

F. *THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2015)**

(The Senate Majority Leader)

- a) **NOTICE** is hereby given that Sen. Wilfred Machage, Member of the Senate Standing Committee on Health, intends to move the following amendments to the Health Bill, 2015, at the Committee Stage-

CLAUSE 5

THAT clause 5 of the Bill be amended by inserting the following new subsections immediately after subsection (2) —

- (3) The national and county governments shall ensure the provision of free and compulsory —

- (a) vaccination for children under five years of age; and
- (b) maternity care.

- (4) For the purposes of implementing subsection (3), the national government shall in consultation with the respective county government provide conditional grants to county governments

...../Notices of Amendments

CLAUSE 7

THAT clause 7 of the Bill be amended by deleting sub-clause (3).

CLAUSE 15

THAT clause 15 of the Bill be amended in sub-clause (1) by –

- (a) inserting the words “ including reproductive health care and the right to emergency treatment” at the end of paragraph (a);
- (b) deleting paragraph (c);
- (c) deleting the words “and implement” appearing after the word “develop” and substituting therefor the word “policy” in paragraph (f); and
- (d) inserting the word “policy” immediately after the words “put in place” in paragraph (i).

CLAUSE 16

THAT clause 16 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) The Director-General for health shall be recruited by the Public Service Commission through a competitive process and appointed by the Cabinet Secretary.

CLAUSE 18

THAT clause 18 of the Bill be deleted and substituted with the following new clause-

18. For purposes of section 15(1)(b), the Cabinet Secretary shall-

- (a) form directorates to deal with the following matters -
 - (i) medical services;
 - (ii) nursing and allied workers;
 - (iii) pharmaceutical services;
 - (iv) public health; and
 - (v) administrative services;
- (b) notwithstanding paragraph (a), form directorates based on policy priority areas in consultation with the Director-General.

CLAUSE 20

THAT clause 20 of the Bill be amended by-

- (a) deleting the introductory phrase and substituting therefor the following new phrase-

the county government in furtherance of the functions assigned to it under the Fourth Schedule of the Constitution shall be responsible for-
- (b) deleting the marginal note and inserting therefor the following new marginal note-

duties of county government.

CLAUSE 24

THAT clause 24 of the Bill be amended by deleting paragraph (a).

CLAUSE 25

THAT clause 25 of the Bill be deleted.

CLAUSE 28

THAT clause 28 of the Bill be amended by deleting sub-clause (2).

CLAUSE 30

THAT clause 30 of the Bill be deleted.

CLAUSE 31

THAT clause 31 of the Bill be deleted.

CLAUSE 32

THAT clause 32 of the Bill be deleted.

CLAUSE 33

THAT clause 33 of the Bill be deleted.

CLAUSE 34

THAT clause 34 of the Bill be deleted.

CLAUSE 35

THAT clause 35 of the Bill be deleted.

CLAUSE 36

THAT clause 36 of the Bill be deleted.

CLAUSE 37

THAT clause 37 of the Bill be deleted.

CLAUSE 38

THAT clause 38 of the Bill be deleted.

CLAUSE 39

THAT clause 39 of the Bill be deleted.

CLAUSE 40

THAT clause 40 of the Bill be deleted.

CLAUSE 41

THAT clause 41 of the Bill be deleted.

CLAUSE 42

THAT clause 42 of the Bill be deleted.

CLAUSE 43

THAT clause 43 of the Bill be deleted.

CLAUSE 44

THAT clause 44 of the Bill be deleted.

CLAUSE 46

THAT clause 46 of the Bill be amended by-

- (a) deleting sub-clause (1f); and
- (b) deleting sub-clause (4).

CLAUSE 2

THAT clause 2 of the Bill be amended by-

- (a) deleting the interpretation of the word "abortion"; and
- (b) inserting the following new definition in the proper alphabetical sequence-

"death" means the permanent loss of capacity for consciousness and the loss of all brainstem functions;

- b) NOTICE** is given that Sen. Mutula Kilonzo Junior, intends to move the following amendments to the Health Bill, 2015 at the Committee Stage-

CLAUSE 5

THAT clause 5 of the Bill be amended by inserting the following new subsections immediately after subsection (2) —

- (5) The national and county governments shall ensure the provision of free and compulsory —
 - (c) vaccination for children under five years of age; and
 - (d) maternity care.
- (6) A child shall not be denied access to vaccination on the basis of their culture or religion.
- (7) For the purposes of implementing subsection (3), the national government shall in consultation with the respective county government provide conditional grants to county governments

CLAUSE 12

THAT clause 12(1) of the Bill be amended in paragraph (a) by deleting the words “their health status” appearing immediately after the words “on account of” and substituting therefor the words “any of the grounds set out in Article 27(4) of the Constitution”.

CLAUSE 15

THAT clause 15 of the Bill be amended —

- (c) in subsection (1) by deleting paragraph (d); and
- (d) by inserting the following new subsection immediately after subsection (2) —
 - (3) In carrying out a function stipulated under subsection (1) that relates to a function assigned to a county government, under the Constitution, the national government shall consult with the respective county government.

CLAUSE 16

THAT clause 16 of the Bill be amended —

- (a) by deleting sub-clause (2) and substituting therefor the following new sub-clause-
 - (2) The Director-General for health shall be recruited by the Public Service Commission through a competitive process and appointed by the Cabinet Secretary.
- (b) in subsection (3) by deleting paragraph (a) and substituting therefor the following new paragraph —
 - (a) be a health practitioner registered by the respective regulatory body;

CLAUSE 17

THAT clause 17 of the Bill be amended by —

- (a) deleting paragraph (i); and
- (b) deleting paragraph (j).

CLAUSE 19

THAT clause 19 of the Bill be amended in sub-clause (4) by deleting paragraph (a) and substituting therefor the following new paragraph —

- (a) be a health practitioner registered by the respective regulatory body;

CLAUSE 24

THAT clause 24 of the Bill be amended by deleting paragraph (c).

CLAUSE 27

THAT clause 27(1) of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) —

- (c) be a platform for mutual consultation, coordination and collaboration between the national and county governments on all matters related to health.

CLAUSE 30

THAT the Bill be amended by deleting clause 30.

CLAUSE 31

THAT the Bill be amended by deleting clause 31.

CLAUSE 32

THAT the Bill be amended by deleting clause 32.

CLAUSE 33

THAT the Bill be amended by deleting clause 33.

CLAUSE 34

THAT the Bill be amended by deleting clause 34.

CLAUSE 35

THAT the Bill be amended by deleting clause 35.

CLAUSE 36

THAT the Bill be amended by deleting clause 36.

CLAUSE 37

THAT the Bill be amended by deleting clause 37.

CLAUSE 38

THAT the Bill be amended by deleting clause 38.

CLAUSE 39

THAT the Bill be amended by deleting clause 39.

CLAUSE 40

THAT the Bill be amended by deleting clause 40.

CLAUSE 41

THAT the Bill be amended by deleting clause 41.

CLAUSE 42

THAT the Bill be amended by deleting clause 42.

CLAUSE 43

THAT the Bill be amended by deleting clause 43.

CLAUSE 44

THAT the Bill be amended by deleting clause 44.

CLAUSE 46

THAT the Bill be amended in sub-clause (1) by deleting paragraph (f).

CLAUSE 49

THAT clause 49 of the Bill be amended in subsection (2) by deleting paragraph (a) and substituting therefor the following new paragraph —

(a) is a health practitioner registered by the respective regulatory body;

CLAUSE 62

THAT the Bill be amended by deleting clause 62.

CLAUSE 63

THAT the Bill be amended by deleting clause 63.

CLAUSE 64

THAT the Bill be amended by deleting clause 64.

CLAUSE 65

THAT the Bill be amended by deleting clause 65.

CLAUSE 66

THAT the Bill be amended by deleting clause 66.

CLAUSE 67

THAT the Bill be amended by deleting clause 67.

CLAUSE 73

THAT the Bill be amended by deleting clause 73.

CLAUSE 89

THAT the Bill be amended by deleting clause 89.

CLAUSE 91

THAT the Bill be amended by deleting clause 91.

FIRST SCHEDULE

THAT the First Schedule be amended —

- (a) in the row titled Level 1: Community Health Services, by deleting the Note appearing immediately after paragraph (d) and substituting therefor the following new Note —

Note: The In-charge is a qualified health practitioner registered by the respective regulatory body.

- (b) in the row titled Level 3: Health Centre, by deleting the Note appearing immediately after paragraph (f) and substituting therefor the following new Note —

Note: The In-charge is a nurse, a clinical officer or a medical officer. The In-charge shall have at least two years work experience in a management position.

- (c) in the row titled Level 4: Primary Hospital by—

- (i) deleting the title “Level 4: Primary Hospital” and substituting therefor the title “Level 4: County Referral Hospital”;
- (ii) deleting the Note appearing immediately after paragraph (l) and substituting therefor the following new Note —

...../Notices of Amendments

Note: The In-charge is a qualified health practitioner registered by the respective regulatory body”;

(d) in the row titled Level 5: Secondary Hospital by—

- (iii) deleting the title “Level 5: Secondary Hospital” and substituting therefor the title “Level 5: Regional Referral Hospital”;
- (iv) deleting the Note appearing immediately after paragraph (c) and substituting therefor the following new Note –

Note: The In-charge shall be qualified for appointment if that person–

- (a) is a qualified health practitioner registered by the respective regulatory body;
- (b) holds a Masters degree in a health related field from a university recognized in Kenya;
- (c) has a post graduate qualification in management; and
- (d) has at least five years work experience in a management position.

(e) in the row titled Level 6: Tertiary Hospital by—

- (v) deleting the title “Level 6: Tertiary Hospital” and substituting therefor the title “Level 6: National Referral Hospital”;
- (vi) deleting the Note appearing immediately after paragraph (b) and substituting therefor the following new Note –

Note: The In-charge shall be qualified for appointment if that person–

- (a) is a qualified health practitioner registered by the respective regulatory body;
- (b) holds a Masters degree in a health related field from a university recognized in Kenya;
- (c) has a post graduate qualification in management; and
- (d) has knowledge and at least ten years work experience in a senior management position.

APPENDIX**1. PAPERS**

- a) Report of the Standing Committee on Information and Technology on the County Outdoor Advertising Control Bill (Senate Bill No. 11 of 2015); and
- b) Report of the Standing Committee on Information and Technology on Universal Postal Union 20th Post Conference and Expo held in Hong Kong from 23rd – 26th May, 2016.

(Chairperson, Standing Committee on Information and Technology)

2. NOTICE OF MOTION – (The Senate Majority Leader)

THAT, pursuant to Standing Order 30(3)(b), the Senate resolves to meet on Thursday, 14th July, 2016 from 9.30 a.m to 12.30 p.m.

3. STATEMENTS TO BE ISSUED

- a) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on the shooting of a school girl from Ulanda High School in Migori County by a stray bullet (Sen. Martha Wangari);
- b) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on financing of the Jaramogi Oginga Odinga hospital in Kisumu County (Sen. (Prof.) Anyang' Nyong'o);
- c) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on the manufacture and consumption of second generation alcohol in the country (Sen. George Khaniri).
