



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
SUPPLEMENTARY ORDER PAPER
TUESDAY, APRIL 28, 2020 AT 2:30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
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 – APPROVAL OF SENATORS TO SERVE IN RESPECTIVE SESSIONAL AND STANDING COMMITTEES**
(The Senate Majority Leader)

THAT, pursuant to Standing Orders Nos. 219, 220 and 221, the Senate approves the following Senators nominated by the Senate Business Committee to serve in respective Sessional and Standing Committees of the Senate as follows-

A. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS

1. Sen. Franklin Mithika Linturi, MP
2. Sen. Hargura Godana, MP
3. Sen. Paul Wamatangi Kimani, MP
4. Sen. Millicent Omanga, MP
5. Sen. Irungu Kang'ata, MP
6. Sen. (Prof.) Samson Ongeru, MP
7. Sen. Ledama Olekina, MP
8. Sen. (Dr.) Ochillo Ayacko, MP
9. Sen. Johnes Mwaruma, MP

B. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Samuel Poghio, MP

...../Motion

- 2. Sen. Victor Prengei, MP
- 3. Sen. Phillip Mpaayei, MP
- 4. Sen. Farhiya Ali, MP
- 5. Sen. Millicent Omanga, MP
- 6. Sen. Judith Pareno, MP
- 7. Sen. Boniface Kabaka, MP
- 8. Sen. Okong’o Mogeni, MP
- 9. Sen. Faki Mwinyihaji Mohamed, MP; and

C. COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS

THAT, pursuant to Standing Order No. 189, the Senate approves Sen. Mary Seneta, MP, to replace Sen. Johnson Sakaja, MP, to serve in the Standing Committee on National Security, Defence and Foreign Relations.

9. MOTION- ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET REGARDING THE IMPLEMENTATION STATUS OF THE SENATE RESOLUTION ON COUNTY GOVERNMENTS’ INFRASTRUCTURE PROJECTS

(Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget regarding the implementation status of the Senate Resolution on County Governments’ infrastructure projects comprising County Executive Headquarter offices, Assembly chambers and offices and County State officers’ residences laid on the Table of the Senate on 28th April, 2020.

10. **THE PANDEMIC RESPONSE AND MANAGEMENT BILL (SENATE BILLS NO. 6 OF 2020)

(Chairperson, Ad-Hoc Committee on COVID-19 Situation in Kenya)

(Second Reading)

11. *THE FISHERIES MANAGEMENT AND DEVELOPMENT (AMENDMENT) BILL (SENATE BILLS NO. 22 OF 2019)

(Sen. Moses Kajwang’, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 19th February, 2020)

(Division)

12. *THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO.35 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 20th February, 2020)

(Division)

13. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE
OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

14. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE
PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO.
22 OF 2018)

(The Senate Majority Leader)

(Resumption of debate interrupted on Tuesday, 25th February, 2020)
(Division)

15. **MOTION – THIRD PROGRESS REPORT OF THE AD-HOC COMMITTEE ON**
COVID – 19 SITUATION IN KENYA

(Chairperson, Ad Hoc Committee)

THAT, the Senate **adopts** the Third Progress Report of the Ad-Hoc Committee on COVID –19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 28th April, 2020.

16. *****THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT) BILL**
(NATIONAL ASSEMBLY BILLS NO. 26 OF 2019)

(The Senate Majority Leader)

(Second Reading)

17. **THE REPRODUCTIVE HEALTHCARE BILL (SENATE BILLS NO. 23 OF 2019)**

(Sen. Susan Kihika, MP)

(Second Reading)

18. **MOTION - RECOGNIZING AND APPRECIATING THE ELDERLY BY COUNTY**
GOVERNMENTS

(Sen. Rose Nyamunga, MP)

THAT, AWARE that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as *Pesa ya Wazee*, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

NOTING THAT the beneficiaries receive a monthly stipend of Kshs. 2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

CONCERNED HOWEVER THAT the programme’s credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

NOW THEREFORE, the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by:-

1. Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
2. Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilise this allowance

NOTICE

The Senate resolved on 18th February, 2020 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

NOTICE OF AMENDMENTS

A. **THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)
(Consideration of National Assembly Amendments)

Schedule of amendments, to the Bill, as passed by the National Assembly on Thursday, November 21, 2019

CLAUSE 2

THAT Clause 2 of the Bill is amended by deleting the definition of the term “Cabinet Secretary” and substituting therefor the following new definition- “Attorney-General” means the Attorney-General appointed under Article 156 of the Constitution;

CLAUSE 5

THAT Clause 5 of the Bill is amended in sub-clause (2) by deleting paragraph (b).

CLAUSE 6

THAT Clause 6 of the Bill is amended-

- (a) by renumbering the existing provision as sub-clause (1);
- (b) by inserting the following new sub-clause immediately after the renumbered sub-clause (1)-

(2) The County Attorney shall have the status and rank of a member of the county executive committee.

CLAUSE 20

THAT Clause 20 of the Bill is amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) The Attorney-General may, from time to time by notice in the *Gazette*, amend the Second Schedule.

CLAUSE 29

THAT Clause 29 of the Bill is amended by deleting the expression “Cabinet Secretary” and substituting therefor the expression “Attorney-General”

B. *THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)
(Sen. Judith Pareno, MP)

(Consideration of National Assembly Amendments)

Schedule of amendments, to the Bill, as passed by the National Assembly on Thursday, November 21, 2019

CLAUSE 5

THAT, Clause 5 of the Bill be amended-

(a) by deleting sub-clause (3) and substituting therefor the following new sub-clause-

(3) The relevant county assembly committee may, when considering the petition-

(a) invite the petitioner to clarify or submit such further information as the committee may consider necessary, and;

(b) make a site visit if it is deemed necessary to do so.

(b) by deleting sub-clause (4) and substituting therefore the following new sub-clause-

(4) The relevant county assembly committee shall respond to the petitioner by way of a report addressed to the petitioner and tabled in the county assembly and no debate on or in relation to the report shall be allowed except on the recommendation of the chairperson of the committee and with the approval of the speaker.

(c) in sub-clause (5) by inserting the words “relevant committee or the” immediately after the words “decision of the” when they first appear.

APPENDIX

1. MESSAGE

Message from the National Assembly on the approval of Senate Amendments to the Division of Revenue Bill (National Assembly Bill No. 3 of 2020).

(The Speaker of the Senate)

2. PAPERS

a) The Third Progress Report of the Ad-Hoc Committee on COVID-19 Situation in Kenya.

(Chairperson, Ad-Hoc Committee)

b) The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Variation Rules, 2020 Legal Notice 56/2020; and

c) The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Variation Rules, No. 2 of 2020 Legal Notice 58/2020.

(The Senate Majority Leader)

d) Report of the Standing Committee on Finance and Budget regarding the implementation status of the Senate Resolution on County Governments’ infrastructure projects comprising County Executive Headquarter offices, Assembly chambers and offices and County State officers’ residences.

(Chairperson, Standing Committee on Finance and Budget)

3. NOTICES OF MOTION

a) **THIRD PROGRESS REPORT OF THE AD-HOC COMMITTEE ON COVID – 19 SITUATION IN KENYA**

(Chairperson, Ad-Hoc Committee)

THAT, the Senate adopts the Third Progress Report of the Ad-Hoc Committee on COVID –19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 28th April, 2020.

b) **ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET REGARDING THE IMPLEMENTATION STATUS OF THE SENATE RESOLUTION ON COUNTY GOVERNMENTS’ INFRASTRUCTURE PROJECTS**

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B. **COMMITTEE ON DELEGATED LEGISLATION**

- 1. Sen. Samuel Poghisiu, EGH, MP
- 2. Sen. Victor Prengei, MP
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- 9. Sen. Faki Mwinyihaji Mohamed, MP; and

C. **COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS**

THAT, pursuant to Standing Order No. 189, the Senate approves Sen. Mary Seneta, MP, to replace Sen. Johnson Sakaja, MP, CBS, to serve in the Standing Committee on National Security, Defence and Foreign Relations.

4. STATEMENTS

Pursuant to Standing Order 47(1)

- a) Nominated Senator (Sen. Abshiro Halake, MP) to make a statement on the marginalization of the Muslim population with regards to access to finances given to Micro, Small and Medium Enterprises (MSMEs), Women, Youth and Persons with disability by government institutions.
- b) The Senator for Vihiga County (Sen. George Khaniri, MP) to make a statement regarding government response to the COVID-19 pandemic, accountability on government expenditure and enforcement of measures to mitigate against the pandemic.

Pursuant to Standing Order 48(1)

- a) Nominated Senator (Sen. (Arch.) Sylvia Kasanga, MP) to seek a statement from the Standing Committee on Health regarding the operations of the National Hospital Insurance Fund (NHIF); and
- b) Nominated Senator (Sen. Petronilla Were Lokorio, MP) to seek a statement from the Ad Hoc Committee on the COVID 19 Situation in Kenya on the demotion of Dr. Joel Lutomiah from the Kenya Medical Research Institute.

Pursuant to Standing Order 51(1)(b)

The Chairperson of the Ad-hoc Committee on COVID – 19 Situation in Kenya to issue a statement concerning the burial of Mr. James Oyugi Onyango, a resident of Simur village in Ugenya Constituency of Siaya County, who died after reportedly contracting COVID – 19.
