



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
SUPPLEMENTARY ORDER PAPER
TUESDAY, MAY 05, 2020 AT 2:30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. ***THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)
(First Reading)
9. **MOTION- ALTERATION OF THE HOURS OF MEETING OF THE SENATE**
(The Senate Majority Leader)

THAT, pursuant to the Senate Resolutions made on 27th February, 2020 (approval of Senate Calendar) and 14th April, 2020 (alteration of the Senate Calendar), the Senate, pursuant to Standing Order 31 (3)(b) resolves to hold additional Sittings every Tuesday morning, starting from 10.00 am and ending at 12.30 pm, commencing from Tuesday, 12th May, 2020 until Tuesday, 2nd June, 2020.

10. ***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)

...../Bills

- 11. *****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)*

- 12. **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.

*(Resumption of debate interrupted on Tuesday, 28th April, 2020)
(Division)*

- 13. ****THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 7 OF 2020)**

(Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

- 14. **COMMITTEE OF THE WHOLE**
****THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 7 OF 2020)**

(Chairperson, Standing Committee on Finance and Budget)

- 15. **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)*

- 16. **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)*

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

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

(Second Reading)

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

(The Senate Majority Leader)

(Second Reading)

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

(Sen. Susan Kihika, MP)

(Second Reading)

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

(Chairperson, Ad Hoc Committee)

THAT, the Senate **adopts** the Fourth Progress Report of the Ad-hoc Committee on COVID –19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 5th May, 2020.

...../Notice

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. *COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 7 OF 2020)**

(Chairperson, Committee on Finance and Budget)

Notice is given that the Chairperson Standing Committee on Finance and Budget intends to move the following amendments to the County Allocation of Revenue Bill (Senate Bills No. 7 of 2020) at the Committee of the Whole-

CLAUSE 7

THAT clause 7 of the Bill be amended by inserting the following new subclauses immediately after subclause (3)-

(4) The Cabinet Secretary shall prepare a report for each quarter of the financial year in respect of the expenditure of funds transferred to the National Government pursuant to subsection (3).

(5) In preparing a report under subsection (4), the Cabinet Secretary shall ensure that the report-

(a) contains information on the financial and non-financial performance of the entity assigned to carry out the transferred functions on behalf of the National Government;

(b) is in a form determined by the Accounting Standards Board; and

(c) contains such further information as the Senate or the National Assembly may, pursuant to section 34 of the Public Finance Management Act, require.

(6) The Cabinet Secretary shall submit the report prepared under subsection (5) to the Senate, the National Assembly, the Controller of Budget, the Auditor-General and the respective county assembly.

CLAUSE 10

THAT clause 10 of the Bill be amended by deleting the words “any serious or persistent” appearing immediately after the words “any other law”.

B. **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”

C. *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 passage of the Livestock and Livestock Products Marketing Board Bill (National Assembly Bill No. 2 of 2019).

(The Speaker of the Senate)

2. PETITIONS

a) Petition to the Senate on alleged corruption and embezzlement of funds in the County Government of Narok with respect to awarding of tenders.

(The Speaker of the Senate)

b) Report of the Standing Committee on Finance and Budget on a Petition to the Senate by Mr. Edward Mwangi concerning unpaid pending Bills by the National Youth Service (NYS) to contractors and service providers.

(Chairperson, Standing Committee on Finance and Budget)

3. PAPERS

a) The Public Procurement and Asset Disposal Regulations, 2020.

(The Senate Majority Leader)

b) The Fourth Progress Report of the Ad-hoc Committee on COVID-19 Situation in Kenya.

(Chairperson, Ad-hoc Committee)

c) Report of the Standing Committee on Finance and Budget on Consideration of the County Allocation of Revenue Bill (Senate Bills No. 7 of 2020).

(Chairperson, Standing Committee on Finance and Budget)

d) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Fisheries Management and Development (Amendment) Bill (Senate Bills No. 22 of 2019).

(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

4. NOTICES OF MOTION

a) Alteration of the Hours of Meeting of the Senate

(The Senate Majority Leader)

THAT, pursuant to the Senate Resolutions made on 27th February, 2020 (approval of Senate Calendar) and 14th April, 2020 (alteration of the Senate Calendar), the Senate, pursuant to Standing Order 31 (3)(b) resolves to hold additional Sittings every Tuesday morning, starting from 10.00 am and ending at 12.30 pm, commencing from Tuesday, 12th May, 2020 until Tuesday, 2nd June, 2020.

b) Fourth Progress Report of the Ad-Hoc Committee on COVID - 19 Situation in Kenya

(Chairperson, Ad-Hoc Committee)

THAT, the Senate **adopts** the Fourth Progress Report of the Ad-hoc Committee on COVID – 19 Situation in Kenya, laid on the Table of the Senate on Tuesday, 5th May, 2020.

c) STATEMENTS

a) Pursuant to Standing Order 47(1)

- i. 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.
- ii. The Senator for Trans Nzoia County (Sen. (Dr.) Michael Mbito, MP) to make a statement concerning misleading information in the media concerning Coronavirus (COVID-19).
- iii. The Senator of Kilifi County (Sen. Stewart Madzayo, MP) to make a statement concerning the rape and cold blood murder of Margret Shukrani Masha on February 4th, 2020 at Bamba Police Station, in Bamba Ward Kilifi County.

b) Pursuant to Standing Order 48(1)

- i. The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a statement from the Standing Committee on Education on the alleged irregular recruitment by the Teachers Service Commission (TSC).

- ii. The Senator for Nyandarua County (Sen. Paul Githiomi, MP) to seek a statement from the Standing Committee on National Security Defence and Foreign Relations regarding the alarming wave of unresolved murder cases in Ol-Jororok Constituency, Nyandarua County in the last six months.
- iii. The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a statement from the Ad-Hoc Committee on the COVID-19 Situation in Kenya concerning the challenges currently experienced in Isiolo County relating to Covid-19 pandemic preparedness.
- iv. The Senator for Kisumu County (Sen. Fred Outa, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the humanitarian response in Kisumu County following the current floods as well as the Corona Virus pandemic.
- v. The Senator for Bungoma County (Sen. Moses Wetang'ula, MP) to seek a statement from the Standing Committee on Roads and Transportation regarding the traffic congestion on the Bungoma-Kanduyi- Malava road.
- vi. The Senator for Nairobi City County (Sen. Johnson Sakaja, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the demolition of houses that have left over 5000 city residents in Kariobangi North Ward, Embakasi North Constituency homeless.
- vii. The Senator for Makueni County (Sen. Mutula Kilonzo Junior, MP) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the delay in appointment of forty-one (41) Judges of the High Court and Court of Appeal.

c) Pursuant to Standing Order 51 (1) (a)

- i. The Chairperson of the Standing Committee on Health (Sen. (Dr.) Michael Mbiti, MP) to issue a statement regarding the Scaling-Up of the Universal Health Care (UHC) Program to the 47 County Governments.
- ii. The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries (Sen. Njeru Ndwiga, MP) to issue a statement regarding the second-generation locust invasion in parts of the country.
